

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

United States Courts  
Southern District of Texas  
FILED

DEC 27 2018

David J. Bradley, Clerk of Court

Sheila Renee Bell  
Christopher Bell

3:18-mc-00016

vs.

Galveston County - Medical Examiner's Office

**AMENDED COMPLAINT**

**TO: THE HONORABLE JUDGE GEORGE C. HANKS JR.:**

I filed my lawsuit/Paupers request 10/26/18 but have not gotten a response/hearing yet.

My Dad (Cornelius P. Wilson) passed away 10/26/17 but the *Medical Examiner's Office* (M.E.) didn't release dad's remains until August 2018 which "forced cremation." The M.E.: held dad's *remains* 10-months causing him to decompose *excessively*; refused to release dad's *remains* to me/deprived dad burial/deprived me closure in a *timely manner*; gave dad to Kayla Wilson without a "background check" & violated our *Civil Rights*. Due to County's "hostile" history towards me, there's reason to believe the County's/M.E.'s actions were "retaliatory."

**"...it is not unfair to hold liable the official who knows or should know he is acting outside the law... (Scheuer [438 U.S. 478, 507] "...when a state officer acts under a state law in a manner violative of the Federal Constitution, he "comes into conflict with the superior authority of that Constitution...and is subjected...to the consequences of his conduct. The State has no power to impart...any immunity from responsibility to the supreme authority of the United States." Id. at 159-160**

**Summary Judgment**

I (Sheila Bell) request Summary Judgment in this Case due to special circumstances & Violations of our Civil Rights. "...*Movant is entitled to prevail as a matter of law.*"

## **Denial of “Equal Protection” – Dad’s Body “too decomposed” to be buried**

According to the funeral home, my dad’s remains were “so badly decomposed” he could not have an open-casket funeral. (See *James Funeral Home* post; *James Funeral Home* Recording) The M.E. handling of my dad’s remains & our case, *was not* the norm.

**“the government may...be held liable if its officer’s conduct “shocks the conscience.”** (*County of Sacramento v. Lewis* 523 U.S. 833 (1998))

Per James Funeral Home who handled my dad’s remains (and I quote):

*“...he was so decomposed, he couldn’t be viewed or anything...The coroner’s office ...got the pictures...(for her) to see the decomposition....she decided to do the cremation...The body was so decomposed, it was nothing else we could do with him...because he had passed away so long ago...”* (See *James Funeral Home* recording)

The Medical Examiner *did not* follow protocol & didn’t handle dad’s remains or our case “like others.” It wasn’t right. The M.E.’s actions were “inhumane” & shocks the conscience.

The M.E. “forced” cremation of my dad’s body to occur, *unlike* others, while others were given a “choice” to bury their loved ones. The M.E. “deprived” me that choice, and, “deprived” my dad a descent respectful burial like others.

*James Funeral Home* was shocked by “what it saw” after seeing the condition of my dad’s remains during our conversation & described him as “badly decomposed.” My dad’s remains *did not* look the usual way remains of deceased normally appear when brought to the Funeral Home. (See “Recording”) I was “shocked” to not only hear *James Funeral Homes’* tell me how “badly decomposed” my dad’s remains were, and even more “shocked” to find out Kayla had my dad secretly “cremated” in August, “10-months” *after* dad passed away. To

hear *James Funeral Home* shocking description of the condition of my dad's remains due to the extended period the M.E.'s Office kept dad's remains - was heart-breaking. My dad deserved *more*. Better. He was my dad. The M.E.'s Office "cruel & unusual" treatment of my dad's remains caused his body "extreme decomposition" *beyond* usual." It was "extraordinarily *long*." Unusual. Exceptional.

### Claims

I file this lawsuit & am suing the Medical Examiner's Office under 42 U.S.C. 1983 for: Denial of Equal Protection & "Class of One" action; Abuse of a Corpse; cruel & unusual punishment; interference with family relations;; Violations of Due Process/Equal Protection" & the 1<sup>st</sup>, 4<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup> & 14th Amendments; Arbitrary & Discrimination; abuse of discretion. I'm suing for: this Case to be removed *from* the Probate Court *to* the District Court; the "release" of my dad's remains to me; "ALL" Probate Orders to be Revoked & New Orders be re-issued by the District Court; the removal of Mark Henry/Galveston County from this case due to "conflicts of interest & other matters;" the return of all my dad's assets; a "freeze" of all my dad's assets, and, \$106 Million in damages.

**"...In *Mitchum v. Foster*, the United States Supreme Court held that actions brought under 42 U.S.C. § 1983 are specifically excepted..."**

**"...defendants...whose actions might not otherwise be taken "under color of state law," may be subject to suit under §1983 if they conspire with government officials to deprive others of their constitutional rights. *Adickes v. S.H. Kress & Co.*, 398 U.S. at 152....42 U.S.C. § 1985 "...provides a remedy when individuals *conspire* to deprive a member of a protected class of equal protection." *Edwards & Assocs., Inc. vb. Black & Veatch, L.L.P.*, 84 F. Supp. 2d 1182, 1197**

**"...an officer of the state acting in an unconstitutional manner could be sued by one of its citizens...states could be sued, even without their consent,**

**merely by naming the official who engaged in unconstitutional behavior...** (*Ex Parte Young*, 209 U.S. at 159-60)

The Medical Examiner's Office deliberately ignored & failed to respond to my 2017 Federal Lawsuit. (See Certified Receipts). Did I "win" by default?

**"...civil legislation...can be objected to as violating due process..."** (*Usery v. Turner Elkhorn Mining Company*, 428 U.S. 1 (1976); *Frank v. Magnum*, 237 U.S. 309 (1915); *Ross v. Oregon*, 227 U.S. 150 (1913) States can be sued for actions that violate the 14<sup>th</sup> Amendment. (*United States v. Georgia*

### **"Class of One" Claim / State Action**

The (U.S. Supreme) Court said: **"...Our cases have recognized successful equal protection claims brought by a 'class of one,' where the plaintiff alleges that she has been intentionally treated differently from others similarly situated..."** Id at 564.

The M. E's Office: "discriminated" against me; *arbitrarily* "singled-me-out" regarding dad; forced me into a "class of one" type case/lawsuit, treated me *differently*; interfered with our family relations; prevented/delayed/ release my dad's remains 10-mos. The *Galveston County Medical Examiner's* Office violated dad & I *Equal Protection*, as:

**"...there is a claim under the equal protection...for discrimination against a 'class of one' when a person alleges to have suffered arbitrary and discriminatory treatment by the government..."** (*Village of Willowbrook v. Olech* 528 U.S. 562 (2000)

The Supreme Court does recognize Equal Protection safeguards individuals not groups.

**"...our Cases have recognized successful equal protection claims brought by a 'class of one,' where the plaintiff alleges that she has been intentionally treated differently from others. (Id. at 564)**

The M.E.'s Office "intentionally treated us differently from others." The Court noted there were allegations of improper motive, but it did not need to consider them because the allegations of arbitrary government action:

***"...are sufficient to state a claim for relief under traditional equal protection analysis." (Id. at 565) "...[w]hen there is proof that a discriminatory purpose has been a motivating factor in the decision, this judicial deference is no longer justified..." (Arlington Heights Id. at 265-266)***

The M.E.'s Office/County/State Officials had "motive, discriminated, retaliated & "racially profiled" our *class*.

The M.E. denied us Due Process/Equal Protection, as they had *already* decided *not* to release my dad's remains *before* any Hearing had been set on the matter. It was "pre-meditated."

### **The Medical Examiner's Office/County "Forced" Cremation**

The M.E.'s office "forced cremation" of my dad's body by delaying the release of his remains "10-mos." It does not routinely "force cremation," interfere/prevent burials of deceased or deprive families closure, and, deliberately made "special" *exception* in our case.

### **Federal Protection**

I would like to be able to pursue Justice in this case "in-peace" without: 1) interference by the Defendants, their affiliates, cohorts & others; 2) without sheriff deputy's knocking on my door; 3) without law enforcement stalking me; 4) without sheriffs deputy's like "Reggie," falsely

posing as a friend, pretending to be something “he’s not;” 5) without law enforcement “texting” & “calling” my phone. (See “evidence”) I ask for Federal Protection.

### **“No Safeguards” to Protect Biological Family’s**

There were “no safeguards” to Protect my Biological family or *class*’ in any Local, State or County Venue, which was why “so many” elderly, Black/biological/poor & low income ” citizens & families were targeted, separated, taken or forced into custody, or, deprived and not allowed to be “released” or buried in a “timely manner” like my dad. *Many* like my dad & son were taken into custody at the hospital. We were just *1-of-many* Galveston families this happened to. “...doctors act under the color of state law...” (*Home Telephone & Telegraph Co. v. Los Angeles* 227 U.S. 278 (1913); 487 U.S. 42 (1988))

The U.S. Supreme Court has said:

**“...due process clause “cover[s] a substantive sphere...’barring certain government actions regardless of fairness of the procedures used to implement them...”** (*County of Sacramento v. Lewis*, 523 U.S. 833, 840 (1998))

**“...deprived of a substantial liberty interest...by the very officials charged with...the duty to implement procedural safeguards.** (*Logan v. Zimmerman Brash Co.* 494 U.S. at 128-129; *Is at 436*)

“...the Court held that the government’s action was not random and unauthorized because officials with the authority to supply a hearing failed to provide one **even though they should have foreseen the need for such procedural protections...**” The M.E Office had already decided “by-phone,” to “delay/stop” my dad’s funeral & burial, *long before* Court Hearings were held. (See M.E. Telephone Conversations)

County Officials *routinely* & arbitrarily took children & adults like my dad, his remains, my children & from us because there were: 1) “no safeguards” in Galveston County “protecting” Biological Family’s or Civil Rights in State/County Venues; 2) “no safeguards” put in place to keep Biological Family’s “in-tact;” and 3) “no safeguards” in-place to prevent the M.E. from violating our Civil Rights, or, to stop Galveston County Officials from “officially oppressing” Black, poor, low-income or elderly Galveston County Citizens – *even in-death*.

### **Due Process Clause**

My dad’s remains were in the possession of the M.E. 10-months & is responsible. The M.E. *didn’t* get a Probate Order to “hold & keep my dad’s remains till later. (See Probate Order).

My dad’s remains were in County Custody. The Government is responsible when a person is in government custody. (See Probate Order) The Court ruled in the favor of a plaintiff’s claim because “...her claim was for...Due Process; ...state law and ...order being written in mandatory language created a property interest...and ...deprived (plaintiff) of this property without due process of law... (*DeShaney in Town of Castle Rock v. Gonzales* 545 U.S. 748 (2005) The M.E./County had a *duty to protect* my dad’s remains while he was in its custody.

The M.E. took “no measures” to prevent dad’s body from becoming “badly decomposed,” but instead took “extreme measures” to do the opposite. *No protocol* was followed. No Safeguards were put in-place to prevent it. The M.E. was extremely “negligent.” The M.E deprived dad & our family “closure & burial” in a *timely manner* & deprived us Due Process. There was no Probate Order until “months *later*.”

This case is an issue of “inadequate pre-deprivation of due process,” because there was indeed something the M.E./County could have done to prevent my dad’s body from becoming so “badly decomposed,” speed-up burial, prevent “cremation” and loss.” (*Parratt v. Taylor* 451 U.S. 527 (1981) The Medical Examiner’s Office was “negligent” in not taking “any” measures to prevent Violations of Due Process & Equal Protection from occurring. “...the Court held that the government’s action was not random and unauthorized because officials with the authority to supply a hearing failed to provide one even though they should have foreseen the need for such procedural protections... The Court explained that the plaintiff was:

**“...deprived of a substantial liberty interest...by the very officials charged with...the duty to implement procedural safeguards. (*Logan v. Zimmerman Brash Co.* 494 U.S. at 128-129; *Is at 436; Zimmerman, 494 U.S. at 138-139)***

The M.E. intentionally & deliberately “disgraced” my dad’s memory & remains, and did so to hurt & retaliate against me. The M.E. *did not* follow “protocol.”

The M.E.’s Office punished me for not going to Probate Court like it suggested days following my dad’s passing & ignored my subsequent Federal Lawsuit to force dad’s case into the Probate Court, then “retaliated” by holding-off & delaying dad’s release & burial to intentionally “inflict” more pain. We talked. They did not tell me or cite any law or give me “any” indication the M.E. based its decision on the law, but just arbitrarily sided *against* me.

### **Probate Court-ONLY**

The Medical Examiner’s Office’ actions were “Pre-meditated.” The Galveston County M.E.’s Office “forced cremation” and “seized” my dad’s remains in retaliation.



On 11/6/17, my husband called the medical examiner's office in my behalf, who said:  
"we will need a Court Order to release him..."

On 11/17/17, there was "NO Probate Hearing" set or Ordered when "Nicole/Medical Examiner" made the following statements to me:

*"...it's in the **Probate** Courts hands...if you have questions about it you need to contact the **Probate** Court...The burden is not to prove that she is his daughter...If you have an issue...you have to go to Court to get this resolved...I don't need to submit anything to you in writing....you have to call he **Probate** Court...I am saying that ...until there is a "Court Order," he will not be released from here... I am advising you that if you want to control the disposition of the remains of your father then you should contact the **Probate** Court...then he'll sit here until someone provides a Court Order...My names' Nicole...please don't call here anymore..."* (Please see recording)

Nicole/County "bluntly" advised me they had control of my dad's deceased remains & handled my dad "like a piece of trash" that did not matter. But he does matter. Dad matter's to me. The M.E. Office needs "sensitivity training." Nicole should be fired. Blacks were routinely & systematically "man-handled, mistreated, degraded, demeaned, disrespected, violated, seized & separated from our families" by County Officials.

**"...a federal plaintiff... is not forced to litigate the constitutional question in state court. The federal plaintiff is only required to "inform[the state court] what [the] federal claims are..." the federal litigant's right to a choice of forum was therefore preserved by the Court's decision...(England, 375 U.S. at 420)**

The M.E. told me I *had* to go to the Probate Court in order to get my dad's remains released & gave me the impression dad's matter was "already" in the Probate Court during our

phone conversation when it “was not.” There was “no Court filing” by the Probate Court *at the time* of the phone Conversation while the Medical Examiner’s Office pretended *there was*.

The Medical Examiner’s Office repeatedly “insisted” I get a Court Order to get my dad’s remains released to me. This was *not* routine. This was *not* “Protocol.” There was *nothing* “normal or usual” about how the M.E. handled my dad’s remains.

The M.E.: “intentionally deprived” me & my dad Equal Protection; was “wreck less” with my dad’s remains & its handling of our case; abused it’s power by deciding to “withhold” my dad’s body, delay release & determining the “fate” of my dad’s remains within “days;” and, keeping dad’s body 10-months, an extended “long” period of time that “shocks the conscience.” (See “James Funeral Home post; James Funeral Home “Recording”)

The M.E.’s treatment of my dad’s remains was “morbid” & “shameful,” *unlike* others. The M.E. followed “no protocol” & treated me & my dad “differently.” “No safeguards” were put in place to prevent the M.E. from violating our Civil Rights. There was nothing *normal* about the way Galveston County M.E. handled my dad’s remains. Mark Henry picked-up where the Medical Examiner left-off. (See Phone Conversations, Petitions)

The M.E.’s Office was again *extremely adamant* about “forcing” me into Probate Court & *repeatedly* mentioned the word “Probate” *several* times. (See Recordings/Ms. Diaz) This was nothing but “harassment.”

Galveston County Officials have an extensive history & bad reputation of “heavily oppressing” Black Family’s.

*Over the years*, Galveston County Officials have “strongly influenced” the public against “Black, poor, low-income & Biological families.” (See Articles) Because Galveston County is “Pro-Adoption,” FOR Non-Biological Family’s and AGAINST Biological Family “classes,” County sentiment was: black Biological children should be taken by CPS & put in Foster-Care/Adoption; our Elderly be taken by *Adult Protective Services* or “forced” into Nursing Homes like APS forced my dad, and, all others should be arrested, sent out of Galveston County or institutionalized. (See Articles) This is how the County routinely treated “our class.” It’s how they treated our family.

It was “*not* the norm,” for *any* Medical Examiner’s Office/County or State to arbitrarily:

- 1) “FORCE” a family member to go to Probate Court to get release the body of “any” deceased “verbally” *by-phone*, without anything formally “in-writing” informing me of my Rights or status of my dad’s remains; 2) “hold” the remains of my dad or “any” deceased person 10-mos. and deny “any” family “closure” in a “*timely* manner” like others; 3) cause the body of the deceased to “decay” *excessively* (per funeral home) due to delaying the release of the body of the deceased ; 3) deprive “any” deceased the dignity of a prompt burial; 4) automatically “prefer” to delay or give my dad, a “Galveston resident,” to a “person” in “another State” *alleging* to be dad’s daughter, instead of me, the daughter dad lived with for *years*; 5) give my dad to a “person” he had absolutely “no contact” with.

The M.E’s office does not *routinely* hold remains of deceased “10-mos., but made “exception” in our family’s case. Our family meant “nothing” to the County. Like we deserved no family & should only be “discarded” trash & forced out of the County. It’s simply how the County “treats blacks.”

The M.E.'s Office actions were "mean-spirited," and, "typical" of how Galveston County Officials "demeaned, degraded & discriminated" against Biological black residents & families.

There's a "history."

### **County "Discrimination"**

Every year for the past *17-years*, County Officials (Judges, Children & Adult Protective Services, Attorneys, law enforcement, CASA/Child-Advocates & others garnished "headlines" supporting "National Adoption Day" in the Galveston Daily News while bragging about separating "biological" family's like mine. It's "typical" of how they treated "blacks & biological families. Adoption/Foster Care was PUBLICLY "preferred" & PRIVATELY facilitated. They *did not* "publicly endorse" Biological Family's "EQUALLY." This was "discrimination." They did not Publicly "endorse" reunification of Biological family's. They were the same people who "separated" our family. APS/CPS is Galveston County's secret slave service. Blacks were "seized" disproportionately.

This case involved 2-types of Discrimination: 1) County discrimination & retaliation against *me* for Winning the 2003 State Trial; and 2) Discrimination against "Black, poor, low-income & Elderly Galveston residents. We fit "both" profiles.

Galveston County *systematically* sent Blacks "outside" of Galveston/Galveston County. The Galveston County D.A./Courts & Officials made it happen. Even "dead blacks" like my dad got sent "out of State" like the M.E. & Probate Court sent my dad's remains to Louisiana.

**It is “crucial” the Federal Government probes, investigates & force Galveston**

**County to:**

- **“prove” it *complied* with the U.S. Constitution & ALL “reunification” clauses & laws in “each” CPS/APS Case/seizure/removal, out-of-home placement on a “case-by-case” basis**
- **prove Galveston County took measures to “prevent or avoid” Adult/Child removals & seizures” like my dad, and, that there *were* “Safeguards” implemented to prevent removals & long delays in the “release” of the remains of deceased persons. The Government needs to “force” Galveston County to prove *why* its statistics were “racially disproportionate” *against* Blacks who were only a *small* percentage of the County’s population, but the “largest percentage” of family removals/separations, seizures, arrests, denial of bail, CPS/APS Cases & out-of-home/out-of-County/ Out-of-State placements. (See Articles)**

**Galveston County “cannot” prove it “reunified” Biological Family’s.**

Here in Galveston County, especially *Galveston*, there was a SECRET “unwritten rule:” *Children & Adult Protective Services* WIN all cases, while, Biological, poor, low-income & Elderly citizens “LOSE” *all* cases to the State. When we WON our 2003 State Trial against the State, they retaliated & have been stalking me ever since.

There was a systemic “history” of Galveston County Officials with “County bias,” who routinely “framed” and/or “seized” Black, poor, low-income & elderly Galveston citizens. CPS/APS & *Former* Judge Suzanne Schwab-Radcliffe “preyed” upon Black families. The County “backed-her.” The M.E. Office actions, was just an extension & further proof

“discrimination” by Officials still persists. The County has a *long* history of treating Galveston’s *elderly, Biological, black, poor & low-income* families like us “differently” & discriminating against us:

- 1998 - CPS opened a case against us. Case “RULED-OUT”
- 1999 - C. Triplett “arbitrarily” reopened a CPS Case against us. Case “CLOSED”
- 2001- CPS/GPD took all-6 of my children. (See “Recording”)
- 2001-Radcliffe brought “National **Adoption** Day” to Galv. County w/County Support
- 2002-Radcliffe/CPS/County tried to have my children “**Adopted.**”
- 2003- **T. Henry**/D.A. had my husband & I arrested in retaliation for Winning at Trial
- 2003- present – State forced us to pay child-support. No ‘Custody’ Hearings or Trial
- 2003 - WON Case/LOST Custody. **NO-Custody/Hearings/Trial/Appeals.**
- 2003 - State gave-away my 6-children. Excluded me from “Jury Charge/Custody”
- 2015- “Lien” – child support
- 2015 - UTMB/Social Workers took my dad (See Recording)
- 2017- dad passed away. Medical Examiner took dad & refused to release him to me
- 2017-**M. Henry**/M.E. sued to keep my dad’s remains
- 2018- M.E. gave Kayla dad’s remains
- Suzanne Radcliffe brought *National Adoption Day to Galveston*. During 1996-2013 reign as judge, Black **Biological** families “decreased.” **Adoptive-Foster** Families “increased.”  
The County rallied behind Radcliffe & her adoption efforts. (See Articles)
- 53% of CPS cases/Adopted Children were Black due to Radcliffe who brought “National Adoption Day to Galveston. (See Articles)

- black homeowners lost there homes/property due to unusually high numbers of city citations. (See Article)
- 100% of Biological families from 1996 – 2013 – were not “reunified” by Radcliffe in spite of Federal Statute.
- 100% of children were sent to Adoption, Systems or Guardians by Radcliffe.
- Officials were “Pro-Adoption.” (See Article)
- CPS was “Pro-Adoption” & did not “reunify” Biological Families.
- Judges were Pro-Adoption & did not “reunify” Biological Families.
- Attorney’s were Pro-Adoption & did not “reunify” Biological Families.
- CASA/Child Advocates was Pro-Adoption & did not “reunify” Biological Families.
- for the past 17-years, Galv. County “celebrated” Adoptive/Foster Parents, while demonizing Biological Parents in the media for Thanksgiving.
- The Child/Family Board is the ONLY Board in the County who is gets to “choose its *own* board,” unlike other boards. (See ALL prior “City Council Meetings” when boards were chosen.)
- Galveston County Schools were under a “Desegregation Order” until around 2009, unlike the rest of the Country. (See Article)
- In 2008, following Hurricane Ike (2008), the County “bussed” thousands of mostly Black/poor/low-income citizens “off the island” to San Antonio. Galveston’s Population dropped from about 55,000 to 45,000 – mostly from District 1, then was “Redistricted.” (See Articles) The goal was to diminish black votes. (See “Vote”)

The aforementioned “proves” there was very *clear, distinct & systematic* discrimination against “Blacks” by Galveston County Officials.

### **Evidence of a *Discriminatory Purpose* “Shifts the Burden”**

The U.S. Supreme Court said:

**“...if there is proof that a decision is “motivated in part by a racially discriminatory purpose, the burden would shift to the government to prove that the “same decision would have resulted even had the impermissible purpose not been considered. (*Village of Arlington Heights v. Metropolitan Housing Development Corp. Id. at 270-271 n.21.*)**

In other words, (in my case) *burden of proof* “shifts” to the government to prove they’ve treated ALL deceased/ relatives of deceased the *same-way* they treated *me* & my dad/remains due to a “single concern,” like the M.E. did in the case of Kayla Wilson? Did Galveston County/M.E “force” ALL relatives of deceased into “Probate Court” (like they did me) to get the release of remains of relatives? We’re ALL bodies of deceased held by Galveston County M.E. *so-long* they were too “badly decomposed” to have an open-casket funeral, but were instead FORCED to have a “forced cremation? Did Galveston County/M.E. force ALL relatives to be put through the agony of their dad’s remains being “too-badly decomposed” to be viewed or buried?” Is “cremation” the ONLY option given by Galveston County M.E for ALL deceased?

**“[r]arely can it be said that a legislature or administrative body operating under a broad mandate made a decision motivated solely by a single concern, or even that a particular purpose was the dominant or primary one. (*Arlington Heights*) Id. U.S. at 265**

Did Galveston County M.E. *routinely* “hold” remains of “white” deceased 10-months the same way they did my dad’s, who is “black” due to a “single concern?” Did the M.E. “routinely” *delay* the release of the remains of ALL deceased 10-mos. like they did my dad ? Did the M.E. routinely stop/prevent burials/closure for ALL families, just me, or just the burial of “blacks?” Or, in all of these questions, did the M.E. “single-me-out” and “force” me into a “class of one” action due to discriminatory practices or for retaliatory purposes? The *burden of*



*proof* “shifts” to the M.E. if there was “any” discriminatory purpose. Did the M.E. treat ALL families the *same way* they treated us; withhold remains of a deceased 10-mos. due to a “single concern”? The M.E. *did not* treat us like ALL others.

Within “days” of my dad’s passing, the M.E./County had already decided & “refused” to release my dad’s remains to me due to “1-single concern.” Was this Policy? Law? Protocol?

Was it “policy, Law or Protocol” for the County to “withhold” any person’s remains until they were “beyond recognition” like they did my dad?

The M.E.’s Office took the unusual step to *arbitrarily* make a “decision motivated by a single concern by Kayla Wilson who lived in *Louisiana* with whom dad had “no contact,” to *delay* my dad’s release/burial & family closure. The M.E. *arbitrarily* decided my dad’s fate by-phone, that his case would be decided by Probate Court-only. (Please see “Recording”)

I never signed a “release” for the M.E. to take dad’s body. I had no attorney.

### **Probate Court / History of Mishandling Our Case / Conflicts of Interest**

There are a series of “conflicts of interest” in this Case I believe call for a ‘change of Venue. The Probate Court previously “mishandled” one of our cases. It remains “unresolved.

#### **1<sup>st</sup> Probate Matter – Still “Unresolved”**

Our 1994 Probate Case remains “unresolved.” The Probate Court completely “mishandled” our 1994 Probate Case. In “error,” the Probate Court “CLOSED” our 1994

Probate Case without a Final Accounting in violation of the Law. There's been "NO FINAL ACCOUNTING" of ALL Assets for the Estate of Katie Bell/ The Christopher Bell Trust. *Hundreds of thousands of dollars* remain "missing & unaccounted" for. ALL documents regarding a "final accounting" are fraudulent. We have reported this matter to the IRS.

We need: the 1994 Probate Case "re-opened."

The Court must Subpoena ALL "original documents" ONLY, and, trust "no documents" in the County Probate File.

In 2003, *in error*, the Probate Court "closed" both the Estate/Trust "without a full accounting" as required by law, *meanwhile*, the same-year (2003), CPS depicted us as: "...very limited income ...poor socioeconomical situation ... destitute...insufficient income or lack of resources...." Were we? Are we? The 2003 Probate Case & 2003 CPS Trial occurred the same-year. Our Attorney's introduced no-evidence regarding our Probate Case during our State Trial.

To date, the following Estate/Trust Assets remain "missing:" \$50,000.00 (insurance); \$49,000.00 (retirement); \$18,000.00 from Moody Bank; over \$6000.00 from Nations Bank; ALL contents of Ms. Bell/Christopher Bell's home; Ms. Bell's jewelry; Ms. Bell's safe deposit box & its contents; Savings Bonds; The "Annuity;" ALL "insurances paid to the Estate/Trust & more.

To hide assets, confuse & thwart investigations, Mark Stevens made "no distinction" between *separate* "Trust/Estate assets; held assets in several different Financial Institutions, hid records or kept this info out the Probate file completely. Plus, Steven/Jones failed to disclose what happened to all of the "interest accrued" on Estate/Trust assets. Cash-on-hand was never turned in & remains unaccounted for. Thousands in "jewelry" is *still* missing, including Ms. Bell's "Wedding Rings" & other jewelry. The "CD" is still missing & unaccounted for. The

Contents of Ms. Bells "Safe Deposit Box" Stevens taunted & flashed in our faces, was never turned-in or disclosed. Ms. Jones & her family "emptied" Ms. Bell & Chris' house & divided it among themselves. (see "Probate" assets. Steven's put Estate/Trust assets in "several bank accounts" in different banks, paid-off or ran-off "anyone" who got close to our Probate file. The probate file appeared to have been "tampered" with.

The whole "Probate" matter *should have been* corrected by the Probate Court *years ago*, but wasn't. The Probate Court was "negligent" in allowing Stevens & his client to "steal" Estate & Trust Assets which thrust us into a CPS case & caused us to be labeled "poor." It cost us custody of our children. The County then "forced" us into "deeper poverty" by forcing us to also pay "child-support." Were we?

Steven's stole Estate/Trust Assets, our house & has gotten away with it for years. We requested a Probate investigator *years ago*, but they ignored us. We had no lawyer.

The Probate County File has always been a "mess." It would be in the best interest of everyone involved with our case(s) to "Trust NO records" in the County Probate file & Subpoena only "original" documents from "original" financial institutions.

Stevens threatened anyone who got "near" or asked questions about our Probate file, especially about *financial* records. *Down thru the years* of checking, documents have been "removed, replaced or come-up missing." *Remember*, our case began **in 1995, when County Probate Files were still "paper" & before** "scanning, internet & E-mails" became widely used. *Back then*, a person had to request & view "paper files."

There's still money "missing & unaccounted" & owed to us. We need it *now* to pursue this case & acquire Attorney's. However, we request this "entire mater" be handled in Federal

Court since the Probate Court has already “mishandled” it, and, would cause even further “conflict of interests.” Plus, in our experience with Mr. Stevens, he does “nothing” without a Court Order. *Even then*, you gotta double-check *it* & him. It’s gonna take a Federal Order to get Mr. Stevens to do *anything* about our Probate case he so-badly mishandled.

To date, there still has been no “full FINAL accounting” of all Estate/Trust assets, nor have they been given to my husband & I. (our house was in both our names). Judge Burwell closed our Probate Case “without a Final Accounting,” *while we did not have an Attorney* to contest it. By law, a Probate Case cannot be closed without a “Final Accounting.” The Probate Court is currently in violation of the Law.

The Probate Court *completely* “mishandled” the entire *Estate of Katie Mae Saxton Bell & Christopher Bell Trust* because it’s still *unresolved*, “forced” us into the 2001 CPS Case, and, has again led me to Federal Court, which is where we are now. We do not trust the Probate Court to handle “any” of our Court matters. The Probate Court couldn’t handle our Court matters then, we have no confidence it can handle our Probate matters now.

## **2nd Probate Matter**

In 2015, *Adult Protective Services* “seized” dad in the hospital then forced him into Gulf Health Care Center. Like the Medical Examiner’s Office, Ms. Diaz kept insisting I go to PROBATE Court. *Adult Protective Services* had dad sign a “DO NOT RESUSCITATE ORDER,” which was contradictory since the words of it stated: “...I am competent and at least 18 years of age.” The ORDER, was from the “Texas Department of State Health Services and was brought to him by Adult Protective Services – Official entities. On one-hand, dad’s sister’s,

UTMB Hospital & Gulf Health Care were stating dad was “incompetent,” while on the other hand, dad was “competent” enough to sign a “DO NOT RESUSCITATE ORDER.”

Ms. Diaz showed “prejudice” against me and like the Medical Examiner’s Office, tried “force” me into a “Probate Case” regarding my dad. (See Dias Recording)

### **3<sup>rd</sup> Probate Matter / Guardianship**

On 12/31/2015, Ms. Diaz, (Court Investigator for PROBATE Court) tried to “force” me to go to PROBATE Court regarding my dad. December 2015, per Ms. Reed (Gulf Health Care Center) UTMB Hospital turned dad in for a “Guardianship” via *Adult Protective Services* which is handled in “PROBATE Court.” In 2017, The Medical Examiner’s Office again attempted to “force” my dad’s case into PROBATE Court.

### **Conflict of Interest: County Judge, The Probate Court & Mark Stevens**

Mark Stevens, Greg Enos, Judge Lonnie Cox, County Judge Henry have been embroiled in a very Public battle against each other for years.

Mark Stevens represented Judge Lonnie Cox against Judge Mark Henry/County. Mark Stevens is the “same” Attorney who stole & embezzled *hundreds of thousands* in cash & inventory plus our house from us *years ago*. (See 1/10/18 & 1/11/18-*Galveston County News*; Probate Case/pgs. 39-44) The matter is still “unresolved.” Estate/Trust Assets remain “missing.”

County Judge Mark Henry is also currently involved with the Medical Examiner's Lawsuit/Case against me. He took my dad's body like CPS took my children. Greg Enos, who is also handling the "Cox" matter involving Mr. Stevens & County Judge Mark Henry, was instrumental in having "Suzanne Schwab Radcliffe "removed" who presided over our CPS Case (2001-2003) as judge. (See 1/10/18/ & 1/11/18-Galveston Daily News).

Our Court Cases have been running "concurrently" since 1994. They "crossed-over" each other. They involved each other.

It would be "impossible" for me to get a fair Trial, Hearing or proceeding or *anything else* "anywhere" in Galveston County given the past history and the entirety of this matter.

#### **District Attorney / History of "Abuse/Oppression"**

Soon after I filed my Federal lawsuit, officials started harassing me. Sherriff's Deputy's: kept coming to my house (See Door Flyer); called my phone (See Call History); texted me. (See Texts); and, even sent a "plain dressed" deputy (Reggie) to my residence "posing" as a friend.

In *normal* Court situations, defendants/plaintiff's don't call, speak or contact each other. Keep their distance & don't interfere with each others' cases. The opposite occurs in my case.

Certain "classes" (Biological, poor, low-income & elderly) Galveston residents were "heavily" oppressed by Officials. Officials & D.A have been harassing me since 1998 & 2001.

ALL Galveston County Cases "connect" *in some way or another*. Cases often "crossover." Police, Sherriff's Deputy's, the D.A., *Adult Protective Services* (APS), *Children's Protective Services*, (CPS) & Others all *run the "same-circles,"* assist, and are "heavily

involved” with each other’s cases. Each specifically “targeted” certain “classes” (*poor, low-income, Black, elderly & Biological*) families/citizens for CPS/APS Cases, prosecution or arrests. They each “preside, testify or facilitate” each other’s cases, are “related or married.”

Officials *Systematically* FORCED “certain classes” out-of-Galveston thru Adoptions; arrests; or CPS/APS Cases. **Biological** family’s were *seized* from the hospital, “forced” into Custody, “separated” then sent “outside” Galveston County. (See Our Case)

### **“Racial Revenge”**

Officials have been *systematically* “attacking” my family for nearly 2-decades.

CPS took my children in 2001. In 2003, Per Susan Edmondson (former attorney), the D.A. (**T. Henry**) had me & my husband arrested for losing its case at trial against us. APS took my dad in 2015. The M.E./Judge **M. Henry** confiscated, kept & held my dad’s remains in 2017. In 2018, the County/M.E. refused to release my dad’s remains to me & gave my dad to Kayla – out of *revenge & retaliation*.

The New Jersey Supreme Court agreed, citing *Rogers* and its progeny, and ruled that

**"There is nothing inherently wrong with advancing a theory of revenge as a motive... if the facts bear out the theory."** *Carter IV*, 91 N.J. at 106, 449 A.2d 1280.

**It is well-established that the prosecution may introduce evidence of motive.** *Carter IV*, at 102, 449 A.2d 1280, 1 *Wigmore and Tillers, Evidence* § 118, at 1697-98 (1983). "Motive cannot be shown directly, but may be inferred from facts in evidence. In the introduction of evidence to show motive, a wide range is permitted. Thus, any evidence which logically tends to show a motive, or fairly tends to explain the conduct of the accused should be permitted" 1 Wharton, *Criminal Evidence*, § 170 at 317-318 (13th ed. 1972). In *State v. Rogers, supra*, the court allowed the prosecution to introduce evidence ...in *State v. Baldwin*, 47 N.J. 379, 391, 221 A.2d 199

(1966), *cert. denied*, 385 U.S. 980, 87 S.Ct. 527, 17 L.Ed.2d 442 (1966), **the court allowed evidence...** in *State v. Royster*, 57 N.J. 472, 484-85, 273 A.2d 574 (1971), **the court allowed evidence**; in *United States v. Parker*, 549 F.2d 1217 (9th Cir.1977), *cert. denied*, 430 U.S. 971, 97 S.Ct. 1659, 52 L.Ed.2d 365 (1977), **the court upheld the introduction of evidence...dealing as motive...**; in *United States v. Michaels*, 726 F.2d 1307 (8th Cir.1984), *cert. denied*, \_\_\_ U.S. \_\_\_, 105 S.Ct. 92, 83 L.Ed.2d 38 (1984), **the court allowed evidence... as motive.**

This case does not solely involve my family. It's also about "County-Cases" with discriminatory motives & purposes.

Radcliffe brought "National **Adoption** Day" to Galveston, and was the reason over 50% of children up for **Adoption** were "Black, then she tried to have my Black children adopted." (See "Adoption") 100% of children in Radcliffe's Cases went to "ADOPTION, Systems or Guardians. 0% were "reunified. We fit her profile.

**"The question is whether there is a *reasonable possibility* that the evidence complained of might have contributed to the conviction," *Id.*, at 23, 87 S.Ct. at 827 (emphasis added)... Such cases include coerced confessions, denial of counsel or lack of an impartial judge. *Id.*, at n. 8.**

In my case, "was there a lack of an impartial judge?"

Our 2001 CPS Case cost the state \$*hundreds of thousands* (medical bills). Per our attorneys, our 2003 State Trial cost over \$5000.00 per day & was the *largest, longest & most expensive* CPS Case in Galveston County History. The Prosecution (Mangle/**Henry**) "threatened" my lawyer. Another attorney was "threatened" by a bailiff. Prosecutor's picked a fight with my attorney after *unsuccessfully* trying to have her removed from my case. My purse was stolen in-court & returned by an officer who *happened* to already know it was mine. People lost jobs. My attorney was not paid \$11,000.00 & called "Benedict Arnold" for winning my case. In revenge, we Won our case, lost custody, the State *gave-away* my children. After the "verdict,"



*hundreds* filled the courthouse after 5:00 P.M. When I asked where all the people came-from at such a *late* hour, attorney's told us *they'd all heard about our case*. My point is, our case was a "Big Deal." *Losing it* cost the State. They still got a grudge. They've been retaliating ever since.

**Winning our case "embarrassed the County** They've been "harassing" me ever since. County Officials including the M.E. had motive: "**racial revenge**" and "**retaliation**" for losing its *very big* case against us. Thru *National Adoption Day*, STATE Foster-Care, STATE Adoption & the M.E., Officials "discriminated" against "blacks" by *systematically* "driving-us-out-of-Galveston County." County Officials are trying to do me, like they did Dupuy.

### **The "Dupuy Syndrome"**

*Whenever* a "whistleblower," resident or citizen exposes Galveston County/officials, goes to the media, or does *anything* they oppose, officials *systematically* "gang-up" *against* that individual & treats *them* like they did Dupuy. I call it; the "*Dupuy Syndrome*."

It all started when *former* Prosecutor, Judge AND Attorney - Suzanne Schwab Radcliffe who presided-over "ALL" Galveston County CPS/Child Custody Cases from 1996 thru 2013, ended-up in Dupuy's courtroom. He knew Radcliffe was *both* Judge AND Attorney.

In 2012, Dupuy asked for an "Opinion" from the Judicial Committee on Ethics about Radcliffe's *dual-roles*. (See Article) In 2013, The Judicial Committee ruled *against* Radcliffe. (See "Opinion") Radcliffe "resigned" per the D.A. (See Article) It became public 2/7/13.

The 2/7/13 Article exposed "County Concealment" that *officials/attorney's/judges* had all known about Radcliffe's dual-roles for *years*, but NOBODY TOLD PARENTS including me. *Before then*, for 16-yrs., Radcliffe had "forced" *thousands* of "class related:" child-removals,

family separations, Terminations (parental rights), out-of-home placements which Parents *like us* still suffer repercussions *to this day*. Radcliffe “got rid of *certain* classes” thru Adoptions/CPS cases. Radcliffe was an “**attorney**” who “**appointed attorneys**” in violation of Law, our Civil Rights & our Right to Due Process. ALL Galveston *Biological* Families/Parents/Children had a Civil Right to have a “legally presiding” judge preside over our cases. Galveston County “deprived” us *that*. The County/Officials all *knew it* & deliberately/intentionally withheld/concealed this “exculpatory evidence” for over 16-yrs. at the expense of mostly black Biological family’s.

While Officials ignored, the D.A./Prosecutors & others still remembered my case.

In the 2/7/13 article, Radcliffe virtually “confessed” and “admitted:” she was *both* judge AND Attorney from 1996 to 2013 (including the years of our case); disclosed ALL Galveston County Judges *knew about it*, “signed-on” & agreed to it, but did not tell parents. Official’s *concealed/withheld* this exculpatory evidence from our families, never introduced it during our hearings/Trials, and, did not disclose it for over `16-yrs. while the D.A., prosecuted Radcliffe’s cases *like none of it ever happened*.

On February 10, 2013, 3-Day’s later, Judge Susan Baker, who appointed Radcliffe as judge in 1996: defended Radcliffe; “admitted” *she knew* Radcliffe was a lawyer when she appointed her; & cited “she had to raise her children” as the reason. (See 2/10/13 Article) Judge Susan Baker *never* told me. Nor did *any* of my attorney’s. (See Article). This was “County Concealment.” The County kept this “secret” while Radcliffe *got rid of* our “families” & sent them out of the County. No Court has ever addressed the Radcliffe issue nor the impact it *still* has on mostly Black family’s.

The State/County violated *Brady v. Maryland*. (*Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963))

The New Jersey Supreme Court, on the other hand, unanimously agreed that a Brady violation had occurred. *Id.*, at 112 449 A 2d 1280 ... That all adds up to a deprivation of due process and requires a reversal of defendants' convictions. 91 N.J. at 133, 449 A.2d 1280

In *Brady*, the Supreme Court held...suppression by the prosecution of evidence favorable to an accused... violates Due Process where the evidence is material either to guilt or punishment, irrespective of the [621 F.Supp. 549] good faith or bad faith of the prosecution. 373 U.S. at 87, 83 S.Ct. at 1196.

The Court...extended the *Brady* rule beyond exculpatory evidence to include impeachment material in *Giglio v. United States*, 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed.2d 104 (1972), in which the government failed to disclose evidence of a promise made by the government to its primary witness. Under...*Giglio*...a new trial is required if the testimony could, in "any reasonable likelihood," have affected the judgment of the jury. *Id.*, 105 S.Ct. at 3388, (quoting *Giglio*, 405 U.S. at 154, 92 S.Ct. at 766).

"...a reversal is warranted if the omitted evidence "might have affected the outcome of the trial." *Id.*, at 104,<sup>2</sup> 96 S.Ct. at 2398.

"...state trial court errors that constitute a "failure to observe that fundamental fairness essential to the very concept of justice," violates due process. *Lisenba v. California*, 314 U.S. 219, 236, 62 S.Ct. 280, 290, 86 L.Ed. 166 (1941)

"...in order to declare a denial of [due process] we must find that the absence of that fairness fatally infected the trial: id) "...It is essential to distinguish between ordinary trial error and that sort of egregious misconduct which amounts to a denial of constitutional due process. *United States ex rel. Perry v. Mulligan*, 544 F.2d 674, 678 (3<sup>rd</sup> Cir. 1976)

Radcliffe made the County "\$MILLIONS" and appointed lawyers from "her roster" who DID NOT contest, plea, defend or appeal Custody in Biological Parents behalf, including me.

This was a "County Scam" with Radcliffe at the helm. Although Radcliffe *got away with it*, her "cronies" didn't take her departure lightly. They ganged-up against Dupuy.

After the "uproar" of Radcliffe's resignation, Radcliffe's "cronies" went-after-Dupuy. (See Articles) Dupuy "lost everything" & cited Radcliffe as the *reason for it all*. (See Dupuy

Articles) Radcliffe had enjoyed *celebrity-like* status at *Fundraisers* & had made *lots* of people *lots* of money a *long* time. (See “Fundraiser’s) Losing *her* meant *they* lost too.

Radcliffe *was* “untouchable” & “heavily protected” by her *cronies*. Radcliffe’s brother (Taylor Schwab) was a D.A., she used him in my hearing. Radcliffe was a *former* D.A. Attorney’s on “Radcliffe’s roster” DID NOT *litigate, file, contest, defend or Appeal* for Custody for Biological Parents like me, and/or were “PRO-ADOPTION.” (See Edmondson; Check County Files & See Articles) Radcliffe had people on her payroll & used funds *like her purse*. Radcliffe handled ALL child-custody/CPS Cases in Galveston County & “controlled” Biological Family’s like an old *white* slavemaster. *None of us* got our family’s back. *None* of us were “reunified.” (See Radcliffe’s Court Recording)

*All of us* lost our children/families/money or freedom. Officials *systematically* framed us.

Radcliffe was a racist “*white* judge” who “*hated* blacks,” brought *National Adoption Day* to Galveston then took our children for her Adoption cause; ended Black family’s; separated Black families & took Black children for her *own* Adoption cause. (See Articles) She “exploited” us for her own selfish greed, purpose & causes: 1) Adoption Day and 2) her bid for Political Office. (See Articles, Political Brochure) She used the law in an *Apartheid* way against Blacks & Biological Families. The County followed-suit.

Radcliffe’s *use* of “PUBLIC” funds to further her “PRIVATE” Adoption cause violated the Civil Rights Act of 1964. The County followed-suit. Parents like us still suffer repercussions.

This was a “County Conspiracy.” While Biological Family’s were “separated” & *suffering*, Radcliffe & Officials were “partying” at each other’s “fundraiser’s. “ (See “Fundraisers”) The County “*was-in-on-it.*”

Radcliffe “delayed” my CPS Case nearly 16-months to prolong “funding” & separation of my family. She hated me. Radcliffe hated “Black” child-bearing mothers. *None of us* got our children back. (See Articles, Disparities, Adoption Day) Radcliffe “reunified” NO *Biological* family. She sent ALL our children to Adoption, Foster-Care, guardians, or, out-of-State/out-of-County. (See Docs) To this day, Galveston County still rallies for “National Adoption Day” due to Radcliffe’s efforts. (See National Adoption Day) Every year since Radcliffe brought National Adoption Day to Galveston, the *Galveston Daily News*, The Courts, Officials, Attorney’s, & others, still rally for “Adoption,” NOT “Biological Families.”

### **County Concealment / Fraudulent Concealment**

The County “concealed” Radcliffe’s dual-roles, how it impacted Biological family’s, quietly had her “resign, and did “absolutely nothing” to compensate family’s impacted *nor* “right the wrongs” – but still kept running Blacks off-the-island. Radcliffe’s impact still resonates. The County/Officials are still “Pro-Adoption as recent as the 10/25/18 City Council Meeting. Thru “Systems,” certain “classes” were either *systematically* “forced into Custody,” or sent-off-the-island.

“Intentionally engaging in wrongful conduct..may be basis for tolling statute of limitations under adverse domination doctrine, encompasses: intentionally committing regulatory violation; intentionally concealing vital information; intentionally engaging in other illegal activity; or committing fraud.” *F.D.I.C. v. Henderson, E.D.Tex*1994, 849 F. Supp. 495, affirmed 61 F.3d 421 “...Doctrine of adverse domination may have tolled tort claims...if it was demonstrated that majority...were active participants in wrongdoing, or fraud (*F.D.I.C. v. Henderson, E.D.Tex* 1994, 849 F. Supp. 495, affirmed 61 F.3d 421)“...**Fraudulent concealment tolls or suspends statute of limitations until time plaintiff learns of facts giving rise to his or her cause of action...**” (*Sanchez v. Hastings* (1974) 880 S.W.2d 471“...fraudulent concealment... tolls or suspends running of limitations period after it is commenced **because defendant has concealed from plaintiff facts necessary for him to know that he has cause of action against defendant.** *DiGrazia v. Old*

(App. 6 Dist 1995) 900 S.W.2d 499 "...doctrine of fraudulent concealment tolls or suspends running of limitations after it has begun because defendant concealed from plaintiff facts necessary for plaintiff to know that he or she had cause of action. *Mitchell Energy Corp. v. Bartlett* 958 S.W. 2d 430 "...Statute of limitations...claim against attorney representing adoptive parents in termination of parental rights action against biological mother, was tolled until all appeals were exhausted in the underlying parental rights termination suit..." *Hughes v. Mahaney & Higgins* (Supp 1991) 821 159. "Period of limitations...does not automatically begin to run when attorney-client relationship ends; fraudulent concealment by attorney which extends beyond period of representation will toll accrual date." *Willis v. Maverick* (App. 4 Dist 1986) 723 S.W.2d 259. "...When attorney commits malpractice in prosecution or defense of claim that results in litigation, limitations period for malpractice claim against attorney is tolled until all appeals on underlying claim are exhausted. *Gulf Coast Inv. Corp. v. (Supp. 1991) S.W.2d 159* "...Statute of limitations on legal malpractice claim was tolled until final judgment was issued in lawsuit giving rise to claim, although client did not appeal; to allow statute of limitations to begin running earlier would force client to take conflicting positions in two live cases, and would not allow legal system chance to resolve underlying case in client's favor before commencing limitations on his right to sue attorney." *Washington v. Georges* (App. 5 Dist. 1992) 837 S.W.2d 146. "...Fraud prevents running of statute of limitations..." *Bush v. Stone* 500 S.W.2D 885 "...where relationship of trust and confidence exists between the parties, limitation begins to run only from the time of actual discovery of fraud. (*Franklin County v. Tittle* 1945) 238 S.W.2d 773 "...filing of wife's action ...interrupted ...statute of limitations..." *Pacific Greyhound Lines v. Tuck* (1948) 217 S.W.2d 699.

Officials who presided over Adult/Family Cases "discriminated" *against* Biological Family's and/or were Pro-Adoption. No one represented/advocated for Biological Family's, Galveston County was, is & remains "Pro-Adoption," and separates Biological Family's. They took my children & my dad. Galveston County is essentially run by Officials who "oust" *certain* "classes" & forces us "off-the-island/out of Galveston County." In essence, the "same" people who took our children, arrested us, presided over our Trial/Hearings, officiated and/or facilitated our cases - were ALL Pro-Adoption. It still persists. It still happens.

May 8, 2003, we won our case. Our WIN sent shockwaves. The D.A./Prosecutor's knew me from Radcliffe's Case. For *years* Officials prohibited me from: reunification (See Civil

Statute); Voting (See Letter); getting a “driver’s license;” IRS refunds (See Letter); voting in my District etc.

Galveston County Officials took measures to “force” certain “classes” like ours, out of Galveston. Officials sent my children to “Fort Bend County, Maricopa County (Arizona), Rusk County. The Probate Court sent my dad’s “remains” to Louisiana. Anywhere but *here*. Officials used “discriminatory, oppressive & racist methods to “end Biological families.’ Officials “forced” already poor/low-income Galveston residents into “deeper poverty.”

Like Dupuy,’ I lost my children, family, money & freedoms. Then they took my dad, also took his “remains,” then sent them “Louisiana.” Officials have been oppressing/stalking/ harassing & following me ever since. The County never forgot *it*, or *me*.

### **Galveston County *Still* “Pro-Adoption/Anti-Biological Family**

The “impact” of Ms. Radcliffe’s actions *should not & cannot* be “underestimated,” transcended, and, *still* remain to this day. The County is “still” PRO-ADOPTION/anti-Black. (National Adoption Day Articles; 10/25/18 City Council Meeting) The Medical Examiner’s Office, The District Attorney’s Office, ALL Galveston Courts, State Judges, Officials are all very much still apart of these “systematic attacks” against “certain classes.”

There was a “County Effort” to send Blacks off-the-island and “out-of the County/State.” Radcliffe was at the helm. “Purse-strings” reached *out-of-state/county*. Radcliffe singlehandedly *changed* “the color of the County.” She has predecessors & successors. They *still* do her work “inside the County.” It was displayed during Galveston’s October 25, 2018 City Council



Meeting – PUBLICLY. (See Galveston City County Meeting – “National Adoption Day” 10/25/18 & Susan Edmondson “ADOPTION”AD) Galv. County Officials are “still” PRO-ADOPTION. Susan Radcliffe’s name was mentioned during the 10/25/18 City Council Meeting “National Adoption Day” Photo-op/Proclamation.” Pro-Adoption. *Not* “Pro-Family.”

Radcliffe got a “lot” of people \$paid.

Like slavery, CPS/APS Cases mostly involved “Black Biological Family’s.” They also involved: law enforcement, County Prosecutor’s, State Judges, the very “same” people who either presided-over or facilitated our Cases. They “gang-up” against “certain classes.” And involve “lots & lots” of fee’s: Attorney fee’s for lawyer’s who made “no-Custody” pleadings or appeals; Foster-Care Payments; Adoption Payments; Medicare Payments were “always” involved in “each” case.

#### **County/D.A. – “FORCED” Probate Case**

Within “days” of my dad’s passing, and without “judge, jury, hearing or trial,” the Medical Examiner’s Office had already “decided” and told me I had to go to “Probate Court” to get a “release” for my dad’s remains. (See Recording)

The D.A./County Judge/Probate Court & Medical Examiner’s Office forced our case to be decided by the “Probate Court” *exclusively*. (See Orders)

County Officials “with a grudge” *against* me forced decisions regarding my dad to be made “specifically” by the Probate Court, like it had before. (See Ms. Diaz, Probate Orders)



From the start, the Medical Examiner & Probate Court decisions were: 1) “prejudicial” 2) Adversarial; 3) based on past history; 4) “biased” against me; 5) in the “wrong Court” (they wanted a “Probate Court” to decide; 6) violated my dad’s Civil Right to be “buried” in a “timely manner and respectfully; 7) violated my Civil Rights; violated our Human Rights.

I originally filed my lawsuit in Federal Court in 2017. The County filed its Probate Case *afterwards* & ignored my Federal case to “force” it in *their* venue. (See “Return Receipts”) Did I “Win” *by-default*?

Judge-Mark Henry/M.E.’s Office/County already *knew me, discriminated* against me, and, with *bias*, “forced” my dad’s remains to be treated “differently” and *forced* our case to be held in Probate Court-*only*. “Recordings” speak for themselves. On them, you can clearly hear the M.E.’s Office demanding I go to “Probate Court” *specifically*, no other Court, *without* judge, jury, Order or knowing the “full facts.” The M.E.’s had *already* made its decision *against* me *before* it went to court. (See **Probate Petition, Complaints, “Recordings”**)

**A federal plaintiff is “not required to utilize state judicial remedies before, or instead of, bringing a Section 1983 action in federal court. (*Leaf v. Supreme Court*, 979 F.2d 589, 598 (7<sup>th</sup> Cir. 1992))**

The M.E.’s Office point-blank told me they were “not” releasing dad’s body” without a Court Order, and, that I *had* to go Probate Court. (See Recording) I had *no-attorney & no-means* to acquire one. Plus, there were *too many* “conflicts of interest” for my Case to be heard there.

**“Exceptional, Extraordinary, Special & Unusual” Circumstances**

Per “James Funeral Home,” my dad’s remains were so “decomposed,” he couldn’t have an “open casket” funeral. This was extreme. Extraordinary. Unusual. Extremely inhumane. The Medical Examiner’s office inhumanely treated my dad like a “holocaust victim,” desecrated his memory. Dad was a U.S. Citizen and deserved much better.

On the words of “1-person,” the M.E.’s Office deliberately, intentionally & inhumanely seized & held my dad’s “corpse” *captive* 10-mos. This was “*extreme, unusual & “retaliatory.”*” I believe our case qualifies as a “special circumstances” case.

There are numerous “conflicts of interests” throughout this case. In addition to “prejudice & bias” *against* me by the D.A., Probate Court & County Judge Mark Henry.

Under 28 U.S.C. §636(b)(1)(C), I ask the Court to reconsider my case *De Novo* due to “unusual & exceptional circumstances.” (Colorado River, 424 U.S. at 817, 96 S. Ct. at 1246; Younger, 91 S.Ct. at 755) *Colorado River Water Conservation District v. United States*, 424 U.S. 800 (1976); *Moses H. Cone Memorial Hospital v. Mercury Construction Corp.* 460 U.S. 1 (1983);

**“...Irreparable injury exists if the challenged provision is “flagrantly and patently violative of express constitutional prohibitions” or if “unusual circumstances [exist] that would call for equitable relief.” Younger, 91 S. Ct. at 755) “federal courts have the power to dismiss or remand. “Quackenush V. Allstate Insurance Co., 517 U.S. 706, 707 (1996)**

**“While Federal Courts may enjoin state proceedings they may do so only under “extraordinary circumstances where the danger of irreparable loss is both great and immediate.” *Ex Parte Young***

**“...there are...circumstances when federal court intervention is necessary to protect basic civil liberties guaranteed under the United States Constitution. (Charles Alan Wright ET.AL., FEDERAL PRACTICE AND PROCEDURE § 4241(1988)**

**“... Federal courts *can* intervene when there are “special circumstances,” including “...prosecutorial bad faith...” (Younger, 401 U.S. at 49-50, 56) or blatant and flagrant unconstitutional construction (Younger, 401 U.S. 66 (1971)**

There's a long history of *Systemic* "Official Oppression, Biological & Racial Discrimination" by Galveston County Officials:

"Secretly" in-Court & Publicly in the media – Galveston County Officials were "staunchly" PRO-ADOPTION, separated, seized and/or" & discriminated against *Biological* Family's like mine. APS took adults (dad). CPS took children. (my-6). The Medical Examiner's Office seized *corpse*. ' (my dad) All the cases "connected."

Suzanne Schwab-Radcliffe & other Officials were at the helm.

Suzanne-Schwab Radcliffe presided over "ALL" Galveston County CPS/Child Custody Cases from 1996 to 2013. She made the County/ affiliates \$MILLIONS for nearly 2-decades thru CPS/Child Custody Cases, *including mine*. State/County funds were used "like her purse." Attorney's on Radcliffe's "roster" *did not* contest Custody, including mine. (See my Case) Radcliffe "reunified" NO Biological Family's. (See Articles) Radcliffe secretly worked dual-roles as both "Judge & Attorney" for over 16-yrs. until Dupuy asked for an "Opinion" from the Judicial Committee on Ethics. They ruled "against" her. (See Opinion& Articles) It sent "shockwaves." Radcliffe abruptly "resigned" at the recommendation of the Galveston County D.A. (See Article) Judge Susan Baker (my 2003 Trial Judge) admitted she knew Radcliffe was an attorney when she appointed her, but to "no-action" all those years to "stop it It was Galveston County's "dirty little secret." Now it was exposed. Almost immediately, Radcliffe's "cronies" went after Dupuy & made his life miserable. (See Articles) Dupuy admitted it all happened due to (Former/Prosecutor/Associate Judge) Suzanne Schwab Radcliffe, who's brother (Taylor Schwab) was also a D.A. & involved with my 2001 Case. (See Recording)

After the County lost its “champion,” they heavily went after Dupuy. (See Articles). Radcliffe presided over our 16-mo Case. Judge Baker presided over our 2003 Trial. The State “lost” at Trial. (See Termination DENIED) It cost the State money.

Like Dupuy, Radcliffe’s “cronies” have been retaliating against me “ever since:”

In **2001**, CPS abducted all-6 of my children. (Termination Petition DENIED). In **2002**, Galveston Police/UTMB Campus Police surrounded me in “broad daylight” to give me “a piece of paper” informing me my CPS Caseworker changed. In **2003**, Teresa Henry/D.A. had us “falsely” arrested. (DISMISSED) Around **2009**, officials deprived me my “Right to Vote” for years. (See Letter) In **2015**, *Adult Protective Services* took custody of my dad at UTMB Hospital without notifying me in-writing. (See “Recording”) In **2017**, The Medical Examiner’s Office: seized & *abused* my dad’s corpse; “delayed” dad’s release in a “timely” manner (10-mos.) causing “extreme decomposition; *refused* to “release” my dad’s to me; *negligently* gave my dad’s remains to Kayla Wilson, with whom dad had “no contact” *without* a background check; “*negligently*” failed to notify me about my dad’s status. In **2018**, the Prosecutor’s “refused” to pursue a case against my daughter’s ex-boyfriend who assaulted her & their child in full-view of McDonalds customers who pulled John off of my daughter & grandchild, and, who has a long “criminal history.” (See “John”) Jointly, Officials took my dad, my 6-children, me, my husband, and, are now forcing my daughter into court regarding our granddaughter.

Importantly, ALL our cases *connected, crossed-over, led-to or stemmed from* each other.

In addition: Officials: impeded my Civil Right to “Vote.” (See “Vote” letters); impeded my Right to Religion; & “forced” my children to go to a Non-Denominational Church. (See Letter) The State “forced” me to “LOSE” Custody after I WON Trial & gave-away all my

children; (See "Termination DENIED"); 2) Radcliffe brought National Adoption Day to Galveston then tried to have my children "Adopted." (See Adoption); the County "forced" us to pay "child-support" for years until present. (See Child-Support/Lien); the State impeded my Right to Vote due to "child-support; The State prevented me from getting a "driver's license." (See Letter)

Officials have intentionally, deliberately, maliciously "retaliated" against me & our family; with calculated "motive; ill-intent; in bad faith - like they did "Mr. Dupuy." (See Dupuy)

**Motive: Rid Galveston of Black, Poor, Low-Income & Elderly Populations**

*Adult Protective Services (APS) & Children Protective Services(CPS) are funded by the "same-pot."*

For years, Galveston Officials had a "Pro-Adoption/Anti "Black, poor, low-income, Elderly, Biological" Agenda. "Systems" were *used* to "get rid of us" or *get us sent* "out of Galveston County." In other words, certain "classes" weren't welcomed to live on the "Island" while others were "welcomed & Celebrated. Black/poor/low-income/Elderly residents were targeted for "child/adult removals" & out of town/state placements.

**Motive: "Retaliation" By State/County Officials**

The M.E's Office is a "County" Entity. State & County Officials have been "retaliating" against me since we WON our 2003 State Trial.

In 2001, *Children's Protective Services* (CPS)/State took Custody all-6 of my children, even after WE WON our Case, which **Teresa Henry** (lead-Prosecutor) "lost." (See Case) Cheryl Triplett (then CPS Director) *admitted* she "arbitrarily" reopened a 1999 case against me. In 2002, (**former D.A.**) Judge Suzanne Schwab- Radcliffe had her own brother "Taylor Schwab" (**D.A.**) as Prosecutor on my case. (See "Court Recording") In 2015, *Adult Protective Services* took custody of my dad & badgered me for a "guardianship." (See "Recordings). In 2017, **Mark Henry** (County Judge) & the Medical Examiner's Office "seized" my dad's body, refused to release him & "delayed" burial & closure for over 10-mos. (See M. Henry Petition) My point is "Biological/Elderly/Racial Discrimination" was the "motive."

Mark Henry presided over my dad's case. (See **County Petition**) Mark Henry & the Medical Examiner's Office "grossly neglected" my dad's body, "seized & held" it for 10-months with "motive." It was "beyond the usual." Our family's been constantly bullied, harassed, abused, stalked, arrested and/or seized by County/State Officials ever since we won our 2003 Trial. County/State Officials discriminated by targeting *poor, low-income & Elderly Black* residents who represented over **50% of Cases**, thus discrimination, for "APS/CPS removals, seizures & arrests, including: me, my husband, my 6-children & my dad. State/County has been "retaliating" against me & my family ever since we *Won* our 2003 State Trial. There's a *long* history of "motive" and "retaliation." Officials "motive" was to: rid Galveston of its Black/poor population. We fit the profile. County/State Officials *retaliate* against me (Sheila Bell) for Winning our 2003 Case at Trial and "embarrassing" the State. "Revenge payback" was and is the County/States "motive" for separating our family, keeping/seizing my dad's remains 10-months, preventing/stopping a proper "burial" in a "timely-manner," and, delaying "closure."

It was all perpetrated by County/State Officials to cause & inflict *more* “emotional pain & trauma” like they’ve been doing since 2001.

*Most* “Poor, low-income, Biological & Elderly Galveston County residents “lost” their cases, children, elderly & loved-ones in State Venues. (See “Radcliffe”) We Won. State/County Officials have been “retaliating” against me ever since. I’ve been “stalked” for years. (See Photo’s, Video)

Radcliffe made Officials, hospitals & others “lots” of Money\$\$\$ . The State lost “\$Millions Annually” when Dupuy’s question caused Radcliffe to “resign,” while the State lost “thousands per-day” when it lost our case. They never forgot it.

Like Officials did Mr. Dupuy who caused Ms. Radcliffe to be forced to “resign” after she was caught by the Judicial Committee of Ethics in “dual-roles” as Judge AND Attorney, Officials have also chosen to “retaliate” against me for winning our Case. (See Dupuy Articles) Many Officials involved in *both* situations were: “Pro-Adoption;” shared “Cases” (See Articles); worked the “same” Courts (See Articles; worked the “same-cases;” were “related;” and, got paid from the “same-pot of Funds.” And, included: State Judges; Prosecutor’s; CPS; Cheryl Triplett; Susan Edmondson; Sheriff’s Deputy’s; Law Enforcement, CASA – i.e. all the “same” people involved in me & other “Biological” Parents “Child-Custody Cases & removals.” Getting rid of Radcliffe cost the County “\$Millions” annually.

With “motive” and “retaliation,” State Officials had a way of “making us pay” by *still* “forcing” us to LOSE,” even after we Won (Trial):

We were told by our *former* attorney’s, our 2003 CPS Trial was the “biggest, longest, & most expensive CPS Case in Galveston County history. Our Case cost the State Hundreds of

thousands\$\$\$\$. Our Trial cost the State *several* thousands “per-day.” My former attorney (McGarvey) was: NOT paid over \$11,000.00 for “winning” our case; called a “traitor & Benedict Arnold” for her win; “threatened” in-court by the Prosecution (Mangle/Henry); and, got lots of “flack” for representing me. After the verdict, “hundreds” filled the Courthouse after business hours. When I asked one of our attorneys why all of those people were in the Court that late (6:00 P.M.), I was told “....they’d all heard about your case.”

*My point is*, our case was a *really* “Big Deal!” Loosing It *shamed* some folk; *embarrassed* some folk. *Angered* some folk. People lost jobs. Per Susan Edmondson, Prosecutor’s me & my husband “falsely arrested” in retaliation. Ms. Henry moved to Phoenix, AZ where the State sent 4-of my children after we Won. By the time we went to Trial, almost “all” CPS workers involved with our case no-longer worked for the agency. Judge Susan Baker told me herself during Trial Radcliffe didn’t like my case, but never told me she was both a Judge AND Attorney throughout the whole case. Was she a valid judge? Were any of her decisions? Judge Baker presided over my 2003 Trial, “knowingly” appointed Ms. Radcliffe “judge” while she knew she was still an attorney, but never divulged this important “exculpatory evidence” to me during Trial. (See Articles). There’s still a “\$50,000.00 lien against me due to both of their actions. Should there be? My husband is still forced to pay “child support” to this day. Should he be? My point is: all the cases “link.” They “connect.” Even today.

For over 16-years Radcliffe made the County/State Millions each year thru “Custody” Cases. (See Articles) For over 16-years Radcliffe sent “ALL” children she took from *Biological* Parents (including mine) to “STATE-Adoption/STATE *Foster-Care* or STATE Systems *instead*.” (See Article). After she was gone, Officials went after Dupuy, ran him out of town, had him arrested, caused him to lose his family, his money & his reputation - the same thing they’ve been



trying to do me. In State Venues, we lost: our children; our family; our money; our Rights; my Right to Vote; my Right to get a “driver’s license; jobs; dependents; IRS Refunds; residences and are still in debt. Now they’re after my future.

### **Prosecutorial “Bad Faith”**

The M.E.’s Office acted in “bad faith,” as, it does *not* generally or routinely *stop* release of a person’s remains, prevent burials of deceased or deny family’s “closure” for “10-months.” Unlike other cases, the M.E.’s Office made special “exception” in my case. Normally, Parents who “WIN” at Trial usually get Custody of ALL their children. Not in our case. The “common-factor” in our cases was the Galveston County D.A.’s Office. They held a grudge *then*. They’re still are holding grudges *now*.

**The general rule provides that federal courts should not interfere with pending, ongoing state criminal proceedings *except* under “special circumstances.” Special Circumstances include prosecutorial bad faith or blatant and flagrant unconstitutional construction. *Younger*, 401 U.S. at 53-54; *Watson v. Buck*, 313 U.S. 387, 402 (1941)**

In the Case of “Rubin “Hurricane” Carter

Galveston is a small town. Galveston County Officials run the “same-circles, handle the “same-cases. The “same” officials handled the “same” cases in the “same” County & Courts. These same Officials handled our cases.

The “same” officials also partied & attended each other’s fundraisers. In Family Cases, whether CPS or APS was involved – the Prosecutor’s Office was the “same.”

The Court reviewed prosecutor's conduct in a *writ of habeas corpus*, (*Donnelly v. DeChristoforo*, 416 U.S. 637, 642, 94 S.Ct. 1868, 1871, 40 L.Ed.2d 431 (1974) Citing:

**"...state trial court errors that constitute a "failure to observe that fundamental fairness essential to the very concept of justice," violates due process. *Lisenba v. California*, 314 U.S. 219, 236, 62 S.Ct. 280, 290, 86 L.Ed. 166 (1941)**

**"...in order to declare a denial of [due process] we must find that the absence of that fairness fatally infected the trial: id) "...It is essential to distinguish between ordinary trial error and that sort of egregious misconduct which amounts to a denial of constitutional due process. *United States ex rel. Perry v. Mulligan*, 544 F.2d 674, 678 (3<sup>rd</sup> Cir. 1976)**

Without "judge or jury, hearings or a Trial," The Medical's Office showed "bias" and, had already told me they were "not" releasing my dad's remains to me. (See Recording) This was extremely hurtful, and, was nothing but "retaliation." I'd filed previous complaints with the District Attorney's Office. (See District Attorney) That "same" D.A.'s Office Prosecuted CPS' 2001 Case & 2003 Trial. The already "knew me." The D.A. "already knew" my family members.

### **All Our Family's Cases *Connected* - Statute of Limitations Interrupted**

Local, County & State Officials, people, entity's & agency's have been "harassing" our family for "years." Since 1994, our Family's been involved in Cases in "every" Court in Galveston County: Probate, Family, Criminal, Federal and now Probate again. New Cases arose involving my dad from 2015 - 2018. It's all *now* come "full-circle." The Cases "connected, crossed-over and/or intertwined" in: Probate, Family Court, Criminal & Federal Court.

The 1994 Probate Case led to the 1998, 1999 & 2001 CPS Cases. The 2001 Family Case led to the 2002/2003 Criminal (DISMISSED); the Probate, Family & Criminal Cases led to my

Federal Cases. I filed Federal Lawsuits in: 2002 (3:02-CV-139); 2004 (3:04-CV-288); 2005 (3:05-CV-116); 2006 (3:06-CV-683); 2007 (3:07-0440); 2009 (3:09-0012); 2011 (3:11 mc 14); 2013 (3:13 cv 0104); 2014 (14 mc 0022); 2015 (15 CV 209); and 2017 (17 CV 00364).

Another Probate Case arose when my dad (Cornelius P. Wilson) passed away in 2017. There's still "many" unresolved issues to date.

The Cases kept "colliding" & "connecting" down thru the years. For example: 1) we still *allegedly owe tens of thousands* in child-support due to the 2001 CPS Case even though we WON our case at Trial & should NOT owe "any" child support; 2) *Hundreds of Thousands* of Dollars of Estate/Probate assets "remain missing, and, 3) Dad's Probate Case is still open & assets still remain.

Since "all" of my cases (Probate, Family, Criminal & Federal) were "connected," the following may apply.

**"...filing of suit interrupts running of limitations..."** (*Pacific Greyhound Lines v. Tuck* (Civ. App 1948) 217 S.W.2d 699, ref. n.r.e.

**"...Whether plaintiff's claim is barred by limitations depends on whether plaintiff interrupted running of limitations.** (Weaver v. E-Z Mart Stores, Inc. (App. 6 Dist 1997) 942 S.W. 2d 167..."

**"Statute of limitations on legal malpractice claim was tolled until final judgment was issued in lawsuit giving rise to claim, although client did not appeal; to allow statute of limitations to begin running earlier would force client to take conflicting positions in two live cases, and would not allow legal system chance to resolve underlying case in client's favor before commencing limitations on his right to sue attorney."**Washington v. Georges (App. 5 Dist. 1992) 837 S.W.2d 146.

**"...Where husband is joined pro forma in petition by his wife...he is a real party in interest" and filing suit interrupts running of limitations against his cause of action..."** *Pacific Greyhound Lines v. Tuck* (1948) 217 S.W.2d 699

**“...Plaintiff may toll statute of limitations if she affirmatively plead...  
“Hughes rule” which holds that statute does not begin to run until all appeals on  
underlying claim are exhausted. *Hall v. Stephenson* (1996) 919 S.W.2d 45**

**Texas statute of limitations applicable to pro se litigant’s § 1983 action was  
equitably tolled from time that his initial § 1983 was dismissed, as being in effect  
habeas corpus action necessitating exhaustion of state remedies...” *Rodriguez v.  
Holmes, C.A. 5 (Tex) 1992, 963 F2d 799***

**“Intentionally engaging in wrongful conduct..may be basis for tolling statute  
of limitations under adverse domination doctrine, encompasses: intentionally  
committing regulatory violation; intentionally concealing vital information;  
intentionally engaging in other illegal activity; or committing fraud.” *F.D.I.C. v.  
Henderson, E.D.Tex1994, 849 F. Supp. 495, affirmed 61 F.3d 421.***

**“Period of limitations for legal malpractice actions does not automatically  
begin to run when attorney-client relationship ends; fraudulent concealment by  
attorney which extends beyond period of representation will toll accrual date.”  
*Willis v. Maverick (App. 4 Dist 1986) 723 S.W.2d 259***

**“Statute of limitations on legal malpractice claim was tolled until final  
judgment was issued in lawsuit giving rise to claim, although client did not appeal;  
to allow statute of limitations to begin running earlier would force client to take  
conflicting positions in two live cases, and would not allow legal system chance to  
resolve underlying case in client’s favor before commencing limitations on his right  
to sue attorney.”*Washington v. Georges (App. 5 Dist. 1992) 837 S.W.2d 146.***

**“...amended and supplemental pleadings relate back to filing of original pleading;  
amended pleading alleging new cause of action relates back to original filing and is  
not subject to limitations defense...” *J.K. and Susie L. Wadley Research Institute and  
Blood Bank v. Beeson 835 S.W.2d 689)***

**Gross negligence ...could trigger adverse domination tolling of Texas statute of  
limitation... (*F.D.I.C. v. Henderson, E.D. Tex 1994, 849 F. Supp. 495)***

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not subject to limitations defense...” *J.K. and Susie L. Wadley Research Institute and  
Blood Bank v. Beeson 835 S.W.2d 689)***

**Gross negligence ...could trigger adverse domination tolling of Texas statute of limitation on tort claims...** (*F.D.I.C. v. Henderson, E.D. Tex 1994, 849 F. Supp. 495*)

**Texas statute of limitations applicable to pro se litigants § 1983 action was equitably tolled from time that his initial § 1983 claim was dismissed...considering litigant's diligence and persistence and intervening change to Texas tolling statute...***Rodriguez v. Holmes, C.A.5 (Tex) 1992, 963 F.2d 799.*

All Appeals have not been exhausted in this Case.

My State-Appointed Attorney's all "refused" ALL my requests for "Appeals," would only do what they could get "paid-for," and told me "repeatedly" if I wanted "Custody" Hearings or Trials "I had to pay for it," which was an oxymoron, since the State paid them to represent me due to my "inability to pay" for a lawyer.

I believe I have "interrupted" running of limitations because I have filed previous cases. "...filing of suit interrupts running of limitations..." (*Pacific Greyhound Lines v. Tuck (Civ. App 1948) 217 S.W.2d 699, ref. n.r.e.*

**"...Whether plaintiff's claim is barred by limitations depends on whether plaintiff interrupted running of limitations.** (*Weaver v. E-Z Mart Stores, Inc. (App. 6 Dist 1997) 942 S.W. 2d 167...*"

### **Several Cases - Interacted & Linked**

This case involves "several" cases involving me & my family that also involved ALL Galveston County Courts, and, in many cases, also involved the "same" entity's such as The "same" Galveston County District Attorney's Office, Officials, people & agency's such as: Adult Protective Services, Children Protective Services, Prosecutor's, UTMB Hospital etc. The "Discrimination" was "broad" and "crossed" the *same* Courts at *different* intervals.

This case also involved the *same* “bias” (Anti-Biological Family & Pro-Adoption bias’) perpetrated by *different* persons/ Galveston County officials handling the *same* type of cases, who perpetrated Civil Rights *included but not limited too*: 1) Pro-Adoption motives; Anti-Biological Family Discrimination; Discrimination against the “poor, low-income, Discrimination against Biological & Elderly citizens “related” to each other; special Discrimination *specifically* against Blacks” who were “targeted” by Officials for APS/CPS Cases and, who were “FORCED” into Custody by the “same” Officials to rid Galveston of its “Black/poor” population, “Biological” Family “Separations.”

The M.E.’s Office *badgered* ne & *insisted* I go to “PROBATE” Court-only. (See “Recordings”) The M.E.’s Office is connected to the Probate Court. The Probate Court had previously “badly mishandled” my husbands Estate/Trust from 1994 to 2003 which remains “unresolved.” I had absolutely “no confidence” the M.E.’s Office ability to adequately resolve our matter. Especially after initial conversations with the M.E.’s Office “clearly” indicated to me *early-on* the M.E.’s Office was *already* “clearly biased” *against* me. (See “Recordings”)

Dad passed away October 2017. The M.E.’s Office did not release my dad until August 2018. My dad was a Galveston resident. Kayla lived “out of town” in Louisiana. I lived right here in Galveston. Yet, the M.E.’s Office *automatically* sided with “Kayla.” Kayla had dad “cremated” in *Louisiana*.

In addition, Mr. Henry was in a PUBLIC “battle” with Judge Lonnie Cox who was represented by Mark Stevens, the “same” attorney who stole & embezzled my husband’s Estate/Trust in the Probate Court. (See Articles) There was a definite “conflict of interest.”

The Probate kept “insisting” I go to Probate Court. (See “Recordings”)

The County/State/M.E.’s Office have “repeatedly” deprived us our Civil Right to raise “any” Constitutional issue or challenge in “any” State Court or Proceeding. It’s been that way since 2001, even by the Probate Court) It’s also why the Defendants “ignored” my Federal Lawsuit. (See “Certified Return Receipts”). There were *never* “any:” Safeguards, Civil Rights Attorney’s, overseer’s or watchdogs to assure I be allowed to raise constitutional issues in “any” State Venue. Plus, I was not appointed an Attorney. However:

**“...State proceedings must afford an adequate opportunity to raise any constitutional issue...”** *O’Neill v. City of Philadelphia*, 32 F.3d 785, 789 (3d Cir 1994) (citing *Middlesex County*, 457 U.S. at 432).

**“...is there an adequate opportunity in the state proceedings to raise constitutional challenges.”** *Id.* at 2521 (*Middlesex County Ethics Comm. v. Garden State Bar Assoc.*, 102S. Ct. 2515, 2522-23 (1982)

**“...we will interfere with the state proceeding ...if...the state forum is inadequate to hear...challenges based on the United States Constitution..”** (*Lehman Bros. v. Schein*, 94 S. Ct. 1741 1745 (1974)

**“...The pertinent inquiry is whether the state proceedings afford an adequate opportunity to raise the constitutional claims...”** *Middlesex County*, 102 S. Ct. at 2521, quoting *Moore v. Sims*, 99 S. Ct. 2371, 2380 (1979)

#### **Dad, Medical Examiner’s Office & Probate Court**

*Many* “Biological” Family’s were “forced” *off-the-island*. The Medical Examiner’s *inhumane treatment, delay & disposal* of my dad’s remains is *typical* of how “Pro-Adoption” Officials “separated” & mistreated Black **Biological** Family’s. It all stems from a “pattern” of *years* of “retaliation” by the D.A & other officials because we “Won” our 2003 State Trial, which *then* was “the biggest, longest & most expensive” CPS Trial in Galveston history.



There was a *history*:

Around 2013, Kayla put dad in a psych hospital & stole his assets. Dad later filed against Kayla & got his money back. While in the hospital, Dad's sisters stole his property, then later tried to *sell* it without dad's knowledge, but needed dad's signature to close the sale. (See "Track Realty" Documents) Dad "refused" to sign.

In 2015, UTMB Hospital diagnosed dad with "E-coli." (See UTMB/E-coli) Dad's sisters: conspired & influenced UTMB Hospital to have dad declared "mentally incompetent" to steal his assets, then UTMB stopped talking about dad to me and spoke to dad's sister instead. (See UTMB Diagnosis, Discharge Summary) Social Worker's conspired along with dad's sisters to get a "psych" diagnosis claiming dad "**was not competent**," then, turned around & coerced" my dad to sign a "DO NOT RESCUSITATE ORDER" stating he **was** "**competent**." (See "DO NOT RESCUSITATE ORDER & UTMB Summary Notes. Kayla & my dad sisters needed declared "mentally incompetent" or "dead" in order to steal his assets. Dad & I wouldn't let them when he was alive, so now Kayla & dad's sisters are trying to take it now. Dad trusted me to have it & made me his "power of attorney." (See "Power of Attorney") UTMB Hospital: "refused" to talk to me about my dad's care once his sister's got involve & conspired together against me, made dad's sister's "medical power of attorney instead & would only talk to *them*, medically neglected my dad by "delaying" dad's "necessary" procedure; and, were getting ready to "discharge" my dad did not call me until dad's sister's "refused" to sign consent for dad's procedure. (see UTMB Hospital Discharge Summary)

It was all a "scheme" devised to steal dad's assets. *None* of them had seen dad in years.



In 2015 Debbie Diaz, Investigator/**Probate** Court) tried to coerce me into a “Guardianship” about my dad after *Adult Protective Services* took Custody of my dad out of UTMB Hospital without a Case, Police Report, Warrant, formal charges or even a “letter” explaining why? Social Worker’s repeatedly kept harassing me by Violating my Civil Right to “privacy.” (See Social Worker Cards)

In 2016, Ms. Diaz called again for the same reason.

On October 26, 2017, my dad passed away. The Medical Examiner’s Office refused to release my dad’s body to me.

On 11/6/17, the Medical Examiner’s Office said: “we will need a Court Order to release him...” And, at the very beginning we very “hostile” & “confrontational.”

On 11/17/17, the Medical Examiner’s Office said (and I quote): “...it’s in the **Probate** Courts hands...if you have questions about it you need to contact the **Probate** Court...The burden is not to prove that she is his daughter...If you have an issue...you have to go to Court to get this resolved...I don’t need to submit anything to you in writing....you have to call he **Probate** Court...I am saying that ...until there is a “Court Order,” he will not be released from here... I am advising you that if you want to control the disposition of the remains of your father then you should contact the **Probate** Court...**then he’ll sit here until someone provides a Court Order**...My names’ Nicole and please don’t call here anymore...” (Please see recording on “flash-drive”) My dad did indeed “sit there” at the M.E.’S office almost a year, just like Nicole said.

The Medical Examiner's Office arrogantly: defied my Federal Lawsuit by not even responding to it; acted like a judge & jury; had *already* sided *against* me & for Kayla day-1; and, even "choose Probate court" would decide my dad's fate.

August 2018, I found out from *James Funeral Home* in Lake Charles, La - Kayla had my dad *secretly* "cremated" via Court Order (Galveston)

Officials *knew me* from past cases & took revenge, took my children, took dad's remains and, have been *bullying, stalking, harassing & attacking* me in "retaliation" *ever since*.

#### **Request For Attorney**

**Pro Se litigant's complaint must be held to "less stringent standards than formal pleadings drafted by lawyers. *Haines v. Kerner*, 92 S.Ct 594 595 (1972)**

I, Sheila Bell am a "Pro Se" litigant because I cannot afford to hire an attorney. I Request the Court to Appoint me an Attorney. I need one or two or a team like the Defendants.

**Texas statute of limitations applicable to pro se litigant's § 1983 action was equitably tolled from time that his initial § 1983 was dismissed, as being in effect habeas corpus action necessitating exhaustion of state remedies..." *Rodriguez v. Holmes*, C.A. 5 (Tex) 1992, 963 F.2d 799**

**Texas statute of limitations applicable to pro se litigants § 1983 action was equitably tolled from time that his initial § 1983 claim was dismissed...considering litigant's diligence and persistence and intervening change to Texas tolling statute...*Rodriguez v. Holmes*, C.A.5 (Tex) 1992, 963 F.2d 799.**

The Defendants *already* have attorney's to represent them in this case. I do not and cannot afford to hire one. I've called & asked numerous attorneys represent me to no avail. Yet I still need an attorney(s).

I pray & ask the Court to appoint me Attorney's for this case. I am NOT an attorney, do not have the legal expertise to represent me & dad in this case & do not know the Law. I desperately need the Court to appoint me Attorney's in this very important case.

### **Medical Examiner's Office Violated My Civil Rights**

Per the 5<sup>th</sup> Amendment:

“...No person shall... be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation...”

Per the 14<sup>TH</sup> Amendment

“...All persons born or naturalized in the United States... No State shall make or enforce any law which shall abridge (reduce/diminish) the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws...”

“Slavery” is the opposite of “freedom.” Galveston County Officials have *repeatedly* deprived our family of “...life, liberty or property, due process & equal protection.

Galveston “routinely” held innocent citizens like our family & my dad’ corpse “captive’ in some type of “custody” or servitude in Violation of our Civil Rights *without* Grand Jury’s, indictments, Trials, Hearings or Evidence of a Crime. In each case there were: No indictments; No Grand Jury; No Attorney’s “before” seizing our family or only “after” CPS/APS Officials had *already* “seized or forced” our family members into Custody. Each “violated” our Civil Rights. My under-aged children & elderly dad were *bullied* by CPS/APS while *unrepresented*. However, the Supreme Court has ruled:

**“...that the fundamental guarantees of due process apply to children as well as adults and that they apply in situations in which a juvenile may be deprived of liberty even though the juvenile proceeding may be labeled civil rather than criminal. (In re Gault, 387 U.S. 1, 87 S.Ct. 1428 (1967), *Blacks Law Dictionary*)**

In *Gault*, the Court ruled that a “...child was entitled to notice of the charges, the privilege against self incrimination, the right to confront witnesses, and the right to summon witnesses on his or her Rights...” I was “deprived” my Civil Rights by Texas/APS/CPS & Galveston County regarding my dad & children. There were “no safeguards” in-place *prior-to* or during “any” state proceeding to assure me or our family were *not* “deprived” these “basic Rights” in *any* State Venue. Civil Rights are *supposed* to be afforded to ALL Americans, *however*, Texas routinely “deprived” children/adults these basic *Rights* in “secret.”

My dad was stolen & kidnapped by APS & repeatedly “questioned” by Officials & medical staff while he was sick & in Custody without: an attorney, a warrant, indictment; police report, conviction, Due Process or Equal Protection. They all “took-advantage” of my elderly dad while he did not have an attorney. UTMB Hospital sided with dad’s sisters who plotted to have dad declared “mentally incompetent.” (See UTMB Statement, Jennings Hospital Recordings). APS/UTMB all had attorney’s. The D.A. represented the State, not dad. *Meanwhile*, Probate representatives attempted to “coerce” me into a *guardianship* for dad – “twice.” (See “Recordings”)

ALL-sides were not EQUALLY represented during CPS/APS investigations, interrogations & searches but *should have been* - “if” Civil Rights were to be preserved & protected. ALL CPS/APS “investigations, interrogations, searches, exams, proceedings during our case involving our family *should have been* “RECORDED” and submitted & used as “EVIDENCE” since they turned into Court Cases and involved deprivations & violations of our

Family's "Civil Rights." The Court needs to "hear & see" how APS/CPS *secretly* undermines Justice, "frames" Parents our children in-secret & discriminates against Biological, minority, poor & low-income citizens like our family.

Dad was "elderly" and my children were "minors" before & during CPS/APS investigations & interrogations, yet Texas deliberately "delayed" appointing our family attorney's until "after" CPS kidnapped them using false allegations, delayed state proceedings *several* months at the cost of the Government& taxpayer's, then "lost" its case. The whole ordeal was a "farce" set-up by CPS, APS & the D.A. to take my dad & children & separate our family.

Officials/APS/CPS "forced" our family, elderly dad & "under-aged" children to be held "in jail/custody" like criminals, without *Due Process, Equal Protection* or "legal representation," *unlike* CPS/APS& Law Enforcement who *already* had legal representation. We had "no Attorney's," while Officials "did." It was an "uneven" fight. No Equal Protection. No Due Process. All proceedings were already "fixed" in the States' favor.

The Defendant's *willfully, intentionally & deliberately* acted "with malice, ill-intent & bad faith."

### **Texas Violated Our Family's Right – To Be Together**

The U.S. Supreme Court recognizes "extended family." (*Moore v. City of East Cleveland*, 431 U.S. 494 (1977) **Family includes "...grandparents...who occupy the same household..."** *Id* at 505.

My dad, Cornelius P. Wilson – was very much part of our family. The Medical Examiner's Office – interfered with that. I never gave consent nor signed "any" agreement giving permission for the Medical Examiner's Office to take my dad's body.

#### **Negligence by Medical Examiner's Office**

The Medical Examiner's failed & neglected to do a complete & thorough "background check" on Kayla before issuing my dad's remains & subsequent Probate Orders.

The M.E.'s Office "broke procedure, did not follow proper protocol, discriminated against me in their "vendetta" and treated our matters "differently," unlike other cases. The M.E.'s Office made "special exceptions" in its handling of our case & treated us "differently."

#### **State "Retaliation"**

The Medical Examiner's Office acted "presumptuously, with "malice, forethought (they knew me beforehand from other cases), ill-intent and, in "bad faith." Prosecutor's got "mad" after they "lost" their case against us at Trial. (2003). They've been retaliating ever since.

We WON at Trial, but the State "retaliated" by giving-away my children to others. (See "petition denied; Custody Doc.)

Following our 1<sup>st</sup> visit after trial, Prosecutors had us arrested (See Photo's, Dismissal)

### **Violations of “Religion & Spiritual Belief’s”**

The Medical Examiner’s office “did not” allow my dad the respect of a decent burial in a “timely & respectful” manner in accordance with The Holy Bible, my Religious & Spiritual Belief’s and violated my Civil Rights in doing so.

### **Probate, Family, Criminal & Civil Cases - All “Link”**

In 2003, we had a “Probate, Family & Criminal “ Cases all in the same-year.

Extremely *germane* to this Case is the fact that: the States’ been “stalking, harassing & bullying” our family for nearly 2-decades. Different Cases & Courts “crossed-over” or “linked” over the course of *several* years. The Probate Case caused/led to CPS/Family Cases. The CPS/Family Cases led to a Criminal Case which led to several Civil Cases.

It all stemmed from a “bad plumbing job” paid by Estate/Trust assets of which my husband was “sole beneficiary.” (See Photo’s, Probate Docs, Will, Death Certificate)

### **The 1994 Probate Case Turned Into a CPS Case**

All our Cases “connected.”

As pertinent as the Probate matter *was*, neither Court (*Probate, Family or Criminal*) “consulted” with the *other* Courts about our Family, even though the Probate Case (illegally) *ended* in 2003, the very “same-year” our “Family Court Trial” *began* & led to other cases or investigations. None of our Attorneys ever mentioned, discussed or introduced “any” Probate evidence or matter during “any” CPS Case, Proceeding or Trial.

The (1994-2003) Probate Case crossed-over & led to the 1998 CPS Case (**closed**) & a 1999 CPS Case (**ruled-out**); CPS used the 1998 & 1999 CPS Cases to open the 2001 CPS Case against us *and* take all my children (See Petition), The 2001 CPS Case led to our 2003 Trial which the State “lost” (State Petition “**denied**”); The D.A. “retaliated” by giving-away Custody of “all” my children to others, and, by our 2003 “false arrest” (**dismissed**), and, caused us to lose custody from 2003 to present (“Christian” missing/diagnosed retarded/autistic/disabled & is now “blind”); APS “seized” my dad in 2015 & led to my dad’s 2016 “release” after the nursing home kicked-dad out (See “Nursing Home”); the 2017 Probate case that followed led to the 2018 “cremation” of my dad, Cornelius P. Wilson. Each case was prosecuted by the “same” Galveston Prosecutor’s Office in *Galveston County*, which, led to this current Civil Case now PENDING in Federal Court. The “same D.A.” was involved in each case. Thus the D.A. & Probate Courts “vendetta.”

The 2<sup>nd</sup> part of the D.A.’s Office “vendetta” against me involved, a Countywide “scandal.”

### **Nepotism, Cronyisms & “Conflicts of Interest”**

Courts, Cases, Officials & relationships interfered with all our cases & impeded Justice. Cases kept “crossing-over.” Our Cases have been “plagued” with “conflicts of interest.” For Example:

During our 2001 CPS Case & 2003 State Trial, former Prosecutor/D.A/Judge Suzanne Schwab-Radcliffe ‘s brother, “Taylor Schwab” was a prosecutor during Court while Ms. Radcliffe presided.



When Detective **Joey Quiroga** “took my children, **Roger “Bo” Quiroga** was Mayor. **“Bonnie Quiroga”** who’s recently been involved in a very “heated,” very “public” & very “costly & lengthy” Court Battle involving County Judge **Mark Henry** who is in a “heated” Court Battle against **Judge Lonnie Cox**. Judge Lonnie Cox is **Mark Stevens client**. Mark W. Stevens is Judge Cox’ attorney. Judge Mark Henry is involved in my dad’s Probate case. **Teresa Henry** was the D.A./Lead Prosecutor who “lost” our 2003 Trial then had my husband & I arrested in retaliation. (DISMISSED). **Mark Stevens** is the Attorney who stole my husband’s Estate/Trust in Probate Court. There’s more.

All kinds of “conflicts of interest” persist in this case.

There’s *too many* “conflicts of interest” to get Justice. They gang-up against us in Court. Our Case needs a “change of Venue in order to avoid constant “conflicts of interest” and achieve Justice & impartiality. The cases, people & Systems keep “overlapping” & “crossing-over” each other

### **“Entanglement Exception”**

**“...Entanglement exceptions is when is when a “...government affirmatively authorizes, encourages or facilitates private conduct that violates the Constitution...”...Courts cannot enforce racially restrictive covenants...”** (*Shelley v. Kraemer* 334 U.S. 1 (1948))

A governments actions can be deemed “...sufficient for State action”...when a government creates “... symbiotic relationship...entanglement...” ma **Burton v. Wilmington Parking Authority** 505 U.S. 42, 50 (1992); 365 U.S. 715 (1961)

Like a (secret) “pact,” Officials “ganged-up” on us *Black, poor, low-income & elderly* Galveston residents/citizens by *forcing* “certain groups” into CPS/APS Cases by *Systematically* “forcing” us off-the-island via CPS/APS Cases. It’s been happening for *years*. More-so after *Hurricane Ike* (2008) Pre-*Ike*, Galveston’s population was about 55,000, post-*Ike*, about 45,000. Our family was repeatedly & forcibly *caught in the fray*. Family cases were usually held in secret/closed courts/ & private hearings paid by public funds. Most weren’t “recorded.” Mine was.

My point is, APS/CPS don’t “reunify.” They “separate” Biological Family’s. The cases & Officials all “connected.”

In each of the following cases, the “same” D.A.’s Office was involved, proving The Medical Examiner’s Office, Galveston Officials, APS/CPS facilitated a “pattern” and “history” of discrimination & Official Oppression by Officials deeply involved with CPS/APS. Like in our Case, the Cases “cross-over & overlap” each other & use the “same” Courts, “same” County, “same” affiliates & people. The Cases were “connected.”

The “degrading, morbid & inhumane” way the Medical Examiner’s Office & Officials: treated our Family, “deliberately & intentionally” delayed the release of my dad’s “remains” to me, and, kept his body over 10-mos. - is “typical” of how Galveston County Officials treats Black Family’s.

CPS/APS discriminated & based removals/cases on “race & income.” In other words, CPS/APS preyed upon the “poor & elderly,” discriminated & built “race-based” & “income-based” cases targeting mostly Black/poor/low-income citizens who made-up the *majority* of its Cases, including my dad & children. “Race” & “income” was a major factor.

The county notoriously mandates “control” of *Minority, poor, low-income, Biological & Elderly* citizens like slaves to keep them under State Control. Galveston Officials don’t want our family’s “free.” Even in “death,” the State demands “control.” As though, *none of us* have Rights or deserve Family’s.

CPS took my children, *Adult Protective Services* took “control” of my dad while The Probate Court tried “twice” to force me into a “Guardianship” regarding my dad. (See “Recordings”)

**Texas Family Law – *Inherently* “Unconstitutional” – No Civil Protections In State courts**

*Texas Family Law* is *boldly, blatantly & inherently* “Unconstitutional” in that it *forcibly* “takes control” of *innocent* American citizens, even “corpses” like in our case, *without* accountability, penalty or consequence & violates U.S. Constitution, our Human & Civil Rights.

It is already well-established, the U.S. has held, “...parents have a liberty interest in the Custody of their children. (*Santosky v. Kramer*, 455 U.S. 745 (1982); *Little v. Streater*, 452 U.S. 1 (1981); *Stanley v. Illinois*, 405 U.S. 645 (1972) These cases were decided in Federal Court, not State Court. Nowhere in Texas Family Law is this stated or eluded too in Texas Family Law, nor was it ever mentioned by “any” of my State Court-appointed Attorneys during “any” proceeding or Trial throughout my 16-mo. Case - *on-the-record* or off. State-paid Public Defenders don’t know Federal Law well enough to defend it, so they don’t.

State Courts & Attorneys don’t view *Constitutional Rights* like Federal Courts. There are “different levels of expertise; different fields of law; different training; different trains of thought; different laws. Federal Laws are not important to State Courts. (See Texas Family Law)

That's why Civil Rights are not-only *not* "protected," they're not even mentioned.(See our Case) A State Verdict, isn't going to consider, observe or render a Federal Decision or Ruling because the State *benefits* from "every" case and every soul it takes. *Meaning*, CPS/APS/Texas takes children/adults "for a price," puts them back into the *same* State System that took them "for-pay." Sort of like a "bounty" or "slavery." There's "incentives" built-in every State Case, and, "no-objectivity" because there's *always* a "conflict of interest." (everybody's paid from the "same-pot") Because the State "forcibly" puts everyone into a type of servitude, Texas' process resembles "slavery." There can never be "fair" hearings or Trials under these circumstances. This is *not* the case with Federal Courts. In order for there to be "fair" Hearings or Trials, there first needs to be an atmosphere where there's "no bias or incentives" *to begin with*.

There were "No Safeguards" in place in "any" State Venue to "protect" Biological family's Civil Rights or, preserve family integrity. Which is why: *most* children were taken by CPS; *most* family's were "separated;" *most* children were put in Foster-Care or Adoption, most Biological Parents "lost" Custody, & many Terminations (Parents Rights) resulted.

**"Due Process" – The conduct of legal proceedings according to established rules and principles for the protection and enforcement o private rights, including notice and the right to a fair hearing before a tribunal with the power to decide the case. (*Black's Law Dictionary*)**

**"...Due process of law in each particular case means, such an exertion of the powers of government as the settled maxims of law sanctions, and under such safeguards or the protection of individual rights..." (Thomas M. Cooley, A Treatise on the Constitutional Limitations 356 (1868) / *Black's Law Dictionary*)**

Federal Protections and "Safeguards" were never in-place in our case since there were "NO Federal Attorney's to see they were carried-out in our Family's behalves, while the State

had attorney's all-along to protect the States' interests from the day-1 of CPS/APS investigations/interrogations.

In "Private" proceedings paid for with "public funds, Texas "forced us" into "unfair" State Proceedings. " Texas' "version" of *protections*: did not include *Due Process* or *Equal Protections*, did not *began* until *after* CPS/APS has "already" taken child & adult souls into "custody" (as though children don't have Rights before & during State investigations & interrogations) and, *excluded* Federal lawyers to protect our Biological Family's in "secret, sealed & closed" Family Cases, *without* Civil Attorney's. All our Constitutional *protections* were left "bald" with "no one" to protect us from CPS/APS/State Law. Our Rights are "Civil," but our Attorney's were "State-paid" & represented "only" State interests. Which, is precisely why, I "Won" my State 2003 Trial, but still "LOST CUSTODY" of "all-6" of my Children. No Attorney ever "protected" my Constitutional Protected *Right* to Custody. Plus, reunification & custody" are not mentioned in "Family Law." We're not "people" but *movants* etc. There's no "Custody" wording in our Cases, but other names.

### **Substantial / Procedural Due Process**

The U.S. Supreme Court has held that Due Process Clause covers a substantial sphere. (*Sacramento v. Lewis*, 523 U.S. 833, 840 (1998) Procedural Due Process requires the "...government provide notice of hearing & clear and convincing "evidence" before a Parents Rights can be terminated. (*Santosky v. Kramer*, 455 U.S. 745 (1982) Yet, Texas Family Law used "reason to believe" (suspicion) to take my children & to terminate my Parental Rights. (See "reason to believe; "Termination)

## Religious Freedoms

*Last, but certainly not least*, to date, no Court has ever addressed County/State Officials “egregious” violations & deprivations of my “Religious” Freedoms, especially regarding my dad’s “cremation.”

The U.S. Constitution entitles me to “Freedom of Religion.” The *Civil Rights Act of 1964* “prohibits” religious discrimination by anyone receiving *public funds*. CPS/TDPRS/DFPS does.

However, on May 21, 2002 TDPRS sent me a letter stating:

**“...Regarding religious instructions for the children: the children are attending a church near their current residence where they are receiving religious training. During the last court hearing, the judge determined that CPS is adequately meeting the requirements for religious training for the children with their attendance at a non-denominational church and that this action is within the allowable framework in these situations...” (Randy Joiner/Deputy Regional Dir. TDPRS 5/21/02)**

The Medical Examiner’s Office “gross negligence” in it’s mishandling of my dad’s remains, release & burial” violated my Religious Freedoms. According to The Holy Bible, children buried their Father’s. The M.E.’S Office deprived me that honor.

## Relief

I am suing the *Galveston County Medical Examiner’s* office for \$106 Million.

**“...Irreparable injury exists if the challenged provision is “flagrantly and patently violative of express constitutional prohibitions” or if “unusual circumstances [exist] that would call for equitable relief.” *Younger*, 91 S. Ct. at 755) “federal courts have the power to dismiss or remand. “*Quackenush V. Allstate Insurance Co.*, 517 U.S. 706, 707 (1996)**

**A federal judge can give "...injunctive relief against a state officer even though the injunction will cost the state a great deal of money... (*Quern v. Jordan*, 440 U.S. 332 (1979))**

### **Change of Venue**

In its *intentional & obvious* "vendetta" against me to hurt & separate my family, Galveston County Courts & Officials have chosen to arbitrarily "make cases" involving my family members or completely "mishandled" other cases, or, "FORCE" us into their Courts.

To date, the District Attorney's Office, Family & Probate Courts has either "mishandled" our cases, OR, "harassed;" bullied; abused discretion, mistreated, seized, removed, withheld or FORCED" my family members into "custody:" CPS/Police took my 6-children (2001); CPS/Police 4 of my children (2003); GPD arrested me & my husband (2003); APS took dad (2015); From 2001 to 2018 - the D.A./Family Court/Atty. General's Office took our children & money even though we WON our case – "Christian" is still missing. The D.A./Probate Court/Mr. Henry too dad's remains (2018).,

The State/County keeps harassing our family. It is "not" a "safe Venue for "any" of our Cases to be heard or tried. I've not had an Attorney through most of it, while they did. I need Attorney's now. The County & State have "always" been "overly represented."

I ask that all our cases be combined & moved "out" of Probate/Family Court to Federal Court, and, "outside" of Galveston County due to: retaliation attempts; very Public Pro-Adoption & Foster-Care prejudices/bias'/agenda's; "anti-Biological family" sentiment County/Statewide, and *numerous* conflicts of interests.

The Galveston County D.A. & Probate Court has proven it is “incapable” of being “impartial.” Plus, our previous Probate Case is still “unresolved.” Estate/Trust Assets are still missing.

### Conclusion

I ask for “ALL” previous Probate/State/County/Family ORDERS to be “Revoked.”

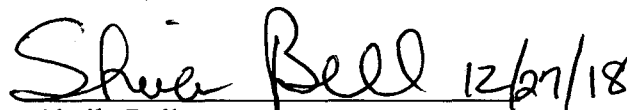
The Medical Examiner’s Office was *extremely* negligent & is responsible for its actions.

**“...it is not unfair to hold liable the official who knows or should know he is acting outside the law... (Scheuer [438 U.S. 478, 507]**

**“...when a state officer acts under a state law in a manner violative of the Federal Constitution, he “comes into conflict with the superior authority of that Constitution...and is subjected...to the consequences of his conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States.” *Id.* at 159-160**

Clearly, the Medical Examiner’s office violated our family’s Civil Rights.

Sincerely,

 12/27/18

Sheila Bell  
P.O. Box 1001  
Galveston, TX 77553



Christopher Wiley Bell  
P.O. Box 1001  
Galveston, TX 77553



# ATTACHMENT

☐ Exhibit to: \_\_\_\_\_  
number(s) / letter(s) \_\_\_\_\_

Other: CD attachment to Amended Complaint - located on  
shelf in Galveston Clerk's office